

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
SEPTEMBER 30, 1989

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1989

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
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ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

A. Substitute for the sentence under review any other disposition that was open to the sentencing court, provided however, that the sentence substituted shall not be more severe than the sentence appealed; or

B. Remand the case to the court that imposed the sentence for any further proceedings that could have been conducted prior to the imposition of the sentence under review and for resentencing on the basis of such further proceedings, provided however, that the sentence shall not be more severe than the sentence originally imposed.

2. Affirmation of sentence. If the Supreme Judicial Court determines that relief should not be granted, it shall affirm the sentence under review.

§2157. Sentence not stayed nor bail authorized for sentence appeal

1. Execution of sentence not stayed. An appeal under this chapter shall not stay the execution of a sentence.

2. Bail unavailable. Bail has no application to an appeal under this chapter.

See title page for effective date.

CHAPTER 219

H.P. 270 - L.D. 382

An Act to Mandate Notification of Emergency Medical Services Personnel at Risk for Transmission of Communicable Diseases

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §19203-C, sub-§1, as enacted by PL 1987, c. 811, §6, is amended to read:

1. Petition. A health care provider or an employee or patient of a health care facility Any person described in subsection 1-A who has been accidentally exposed to blood or body fluid of a patient in a health care facility may petition the District Court with jurisdiction over the health care facility where the patient was being treated at the time of the accidental exposure to require the patient to submit to an HIV test provided that the following conditions have been met:

A. The exposure to blood or body fluids creates a significant risk of HIV infection, as defined by the Bureau of Health through the promulgation of rules in accordance with the Maine Administrative Procedure Act, chapter 375;

B. The authorized representative of the health care facility has informed the patient of the accidental

exposure and has sought to obtain written informed consent from the patient; and

C. Written informed consent was not given by the patient and the patient has stated in writing the refusal to be tested.

Sec. 2. 5 MRSA §19203-C, sub-§1-A is enacted to read:

1-A. Persons authorized. This section applies to the following persons:

A. A health care provider;

B. An employee or patient of a health care facility; or

C. An emergency medical services person, as defined in Title 32, section 83, law enforcement officer or fire fighter who rendered assistance to a person transported to a health care facility.

See title page for effective date.

CHAPTER 220

H.P. 287 - L.D. 399

An Act to Require 5 Commissioners in York County

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 30-A MRSA §61-A is enacted to read:

§61-A. York County

Notwithstanding section 61, there shall be a Board of Commissioners for York County consisting of a chair and 4 other citizens. All other provisions of section 61 apply to York County.

Sec. 2. 30-A MRSA §66, sub-§16, ¶¶A and C, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106, and as amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, are further amended to read:

A. Commissioner District Number 1 consists of the municipalities of Acton, Berwick, Buxton, Cornish, Eliot, Hollis, Kittery, Lebanon, Limerick, Limington, Newfield, North Berwick, Parsonsfield and South Berwick. The term of office of the commissioner from this district shall expire in ~~1988~~ 1992 and every ~~4~~ 2 years thereafter.

C. Commissioner District Number 3 consists of the municipalities of Alfred, Dayton, Lyman, Old Orchard Beach, Saco, Sanford, Shapleigh and Waterboro. The term of office of the commissioner from

this district shall expire in ~~1988~~ 1992 and every ~~4~~ 2 years thereafter.

Sec. 3. Apportionment. Notwithstanding the Maine Revised Statutes, Title 30-A, section 61, when the county commissioner districts are reapportioned in 1993, as provided under Title 30-A, section 65, the apportionment commission shall apportion York County into 5 commissioner districts and shall include in its apportionment plan the initial terms of office for each commissioner district. The apportionment commission shall designate 2 commissioner districts which shall have 2-year terms and 3 commissioner districts which shall have 4-year terms. All subsequent terms shall be for 4 years.

Sec. 4. Effective date. Section 1 of this Act takes effect on January 1, 1995. Sections 2 and 3 of this Act take effect on January 1, 1990.

Effective as indicated.

CHAPTER 221

H.P. 378 - L.D. 509

An Act to Authorize the Maine Court Facilities Authority to Accept Gifts and Contributions

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 4 MRSA §1604, sub-§§22 to 24, as enacted by PL 1987, c. 438, §1, are amended to read:

22. Executive director; other employees. To employ an executive director, consulting engineers, architects, attorneys, accountants, construction and financial experts and such other employees and agents as may be necessary in its judgment; ~~and~~

23. All acts granted or implied. To do any act necessary or convenient to exercise the powers granted in this Act or reasonably implied from this Act;

24. Contract with Maine Municipal Bond Bank. In carrying out its powers under this section, the authority shall, whenever possible, contract with the Maine Municipal Bond Bank for necessary clerical and administrative services, including use of the Executive Director of the Maine Municipal Bond Bank as the executive director of the authority; and

Sec. 2. 4 MRSA §1604, sub-§25 is enacted to read:

25. Accept federal funds, gifts and contributions. To accept federal funds, gifts and contributions which include, but are not limited to, money; annuities and investments; furnishings, including paintings, artifacts and similar items; or anything of value for the purposes set forth in section 1619.

Sec. 3. 4 MRSA §1619 is enacted to read:

§1619. Gifts and contributions

The authority may accept gifts and contributions as provided in section 1604, subsection 25, for the purpose of designing, constructing, reconstructing, renovating or acquiring court facilities, including facilities for the Supreme Judicial Court, in accordance with section 1606, subsection 2. The authority may accept gifts for the purpose of furnishing court facilities, including the facilities of the Supreme Judicial Court. Furnishings include, but are not limited to, paintings, artifacts, furniture and similar articles.

1. Acceptance of money. The authority, in accepting gifts of money, federal funds or other types of income, shall place this money in a special account for the purpose for which it is provided. The authority may invest the money as provided in this chapter, subject to any limitations imposed by the donor.

2. Acceptance of furnishings. The authority, in accepting furnishings for court facilities, shall allocate the furnishings as directed by the donor.

See title page for effective date.

CHAPTER 222

H.P. 618 - L.D. 841

An Act to Include Certain Proprietary Schools in Eligibility Requirements of the Maine Educational Loan Authority's Supplemental Loan Program

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, students who are residents of the State attending institutions of higher education and the families of these students are in need of financial assistance; and

Whereas, it is desirable for the State to make available programs of the Maine Educational Loan Authority to Maine schools not previously eligible; and

Whereas, students need these programs to finance their educational studies as early as possible in 1989; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

20-A MRSA §11413, sub-§11, as enacted by PL 1987, c. 807, §3, is amended to read: