

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

SECOND SPECIAL SESSION

December 12, 1991 to January 7, 1992

SECOND REGULAR SESSION

January 8, 1992 to March 31, 1992

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1992

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
1992

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

6. Educational requirement. The applicant must have satisfactorily completed a minimum of ~~50~~ 75 classroom hours in courses of study approved by the board that relate to real estate appraisal. The required ~~50~~ 75 classroom hours must include no fewer than ~~35~~ 60 classroom hours of study relating to the basic principles of real estate appraising and no fewer than 15 classroom hours of study specifically relating to the Uniform Standards of Professional Appraisal Practice.

A. The courses of study required to satisfy these minimum classroom hours must be approved by the board and be consistent with and equivalent to standards set by the appraisal foundation, whether these courses of study are conducted by an accredited university, college, technical college, junior college or other group.

Sec. 5. 32 MRSA §13979, sub-§1, ¶B, as amended by PL 1991, c. 2, §6, is further amended to read:

B. Satisfactorily complete a minimum of ~~85~~ 105 classroom hours in courses of study approved by the board. To meet the ~~85~~ 105 classroom hour requirement, an applicant must successfully complete no fewer than ~~70~~ 90 classroom hours in courses of study approved by the board that relate to real estate appraisal theory and practice, plus 15 classroom hours in courses of study approved by the board that relate specifically to the Uniform Standards of Professional Appraisal Practice.

(1) The courses of study required to satisfy these minimum classroom hours must be approved by the board and be consistent with and equivalent to standards set by the appraisal foundation, whether these courses of study are conducted by an accredited university, college, technical college, junior college or other group;

Sec. 6. 32 MRSA §13980, sub-§3 is enacted to read:

3. Credit. An appraiser licensed or certified prior to December 31, 1991 is entitled to a credit of 20% of the renewal fee of the appraiser's first 2 biennial renewals.

Sec. 7. 32 MRSA §13983, as enacted by PL 1989, c. 806, §3, is repealed.

Sec. 8. PL 1989, c. 806, §7, as amended by PL 1991, c. 509, §51, is repealed.

Sec. 9. Application. This Act applies retroactively to December 31, 1991.

Sec. 10. Effective date. Those sections of this Act that amend the Maine Revised Statutes, Title 32,

sections 13970, 13972 and 13979 take effect December 31, 1992.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective April 3, 1992, unless otherwise indicated.

CHAPTER 802

H.P. 1740 - L.D. 2427

An Act to Distribute General Purpose Aid for Local Schools for Fiscal Year 1992-93

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

Sec. 1. 20-A MRSA §1301, sub-§1, ¶C is enacted to read:

C. Notwithstanding paragraphs A and B and for fiscal year 1992-93 only, the state valuation and resident pupil information used to calculate the shared cost for each municipality must be the same as the information used for fiscal year 1991-92.

Sec. 2. 20-A MRSA §1704, sub-§1, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

1. Formula. A community school district shall share its costs among the member municipalities on the basis of:

A. The number of resident pupils in each municipality;

B. The state valuation of each member municipality's real property as set in the calendar year prior to the district's fiscal year;

C. In accordance with any combination of paragraphs A and B; or

D. In accordance with any other formula authorized by the Legislature.

Notwithstanding paragraphs A to D and for fiscal year 1992-93 only, the state valuation and resident pupil information used to calculate the shared cost for each municipality must be the same as the information used for fiscal year 1991-92.

Sec. 3. 20-A MRSA §15602, sub-§7 is enacted to read:

1. Fiscal year 1992-93. Notwithstanding any other provision of this Title, the following provisions apply to

fiscal year 1992-93 general purpose subsidy for public schools.

A. For each unit, the total amount provided to the unit in fiscal year 1992-93 as state subsidy and as described in section 15610, subsection 1-C and sections 15612 and 15613 must be the same as the amount calculated for fiscal year 1991-92 for these purposes, including the calculations described in section 15602, subsections 5 and 6, except as described below.

(1) Debt service must be the costs attributable to fiscal year 1992-93.

(2) The Public Law 81-874 federal impact aid reduction must be calculated pursuant to federal requirements and section 15612, subsection 5.

(3) Reductions to the total amount provided to Maine Indian education schools must be in accordance with Title 30, section 6211, subsection 2.

(4) The amounts provided for the costs of state agency clients and for state wards, as specified in section 15607, subsection 9 and section 15613, subsection 5 must be in accordance with actual fiscal year 1992-93 costs.

(5) For any school administrative unit whose fiscal year 1992-93 foundation and minimum subsidy, as calculated in other parts of this subsection, would be less than the amount that would be calculated on the department's printout presented to the Joint Standing Committee on Appropriations and Financial Affairs dated February 19, 1992, the greater amount on that printout must be provided.

B. To provide for maximum subsidy stability between fiscal year 1991-92 and fiscal year 1992-93, the state share percentage for each school administrative unit, the per pupil operating rates, the program millage limit and debt service millage limit must be the same as those used for fiscal year 1991-92.

See title page for effective date.

CHAPTER 803

H.P. 359 - L.D. 513

An Act Requiring the Provision of Information to Victims of Gross Sexual Assault

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

Sec. 1. 5 MRSA §19203, sub-§10, as repealed and replaced by PL 1987, c. 811, §3, is repealed and the following enacted in its place:

10. Court ordered disclosure. To:

A. A person authorized by section 19203-C to receive test results following an accidental exposure; or

B. A victim-witness advocate authorized by section 19203-E to receive test results of a person convicted of gross sexual assault who shall disclose to a petitioner under section 19203-E.

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

5. Exposure from gross sexual assault. Consent need not be obtained when a victim of gross sexual assault has been exposed to the blood or body fluids of the convicted offender and the exposure creates a significant risk of infection, provided that a court order has been obtained under section 19203-E. The fact that an HIV test was given as a result of the exposure and the results of that test may not appear in a convicted offender's medical record. Counseling on risk reduction must be offered, but the convicted offender may choose not to be informed about the result of the test.

Sec. 3. 5 MRSA §19203-E is enacted to read:

§19203-E. HIV test after conviction for sexual assault

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Convicted offender" means the person convicted for a gross sexual assault, or, in the case of a juvenile, the person who has been adjudicated as having committed the juvenile crime of gross sexual assault.

B. "Petitioner" means a person who is the victim of gross sexual assault who allegedly has been exposed to the blood or body fluids of the convicted offender and who files a petition with the District Court under subsection 2.

2. Petition. A person who is the victim of gross sexual assault who allegedly has been exposed to the blood or body fluids of the convicted offender may petition the District Court with jurisdiction over the convicted offender to require the convicted offender to submit to HIV Testing, provided that the following conditions have been met:

A. The petitioner has consented to and obtained an HIV test within 6 weeks following the alleged