

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION

October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 13, 1993

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
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

sioner of Professional and Financial Regulation determines. The board shall notify every person certified under this chapter of the date of the expiration of that person's certificate and the amount of the fee that is required for its renewal for a 2-year period, except that, when the applicant has become certified during the 2nd year of the 2-year period, the registration fee is for the remaining one year of that 2-year period. The notice must be mailed at least one month in advance of the date of the expiration of the certificate. Renewal may be effected at any time after receipt of notice by the payment of a renewal fee established by the board. Certification may be renewed up to 90 days after the date of expiration upon payment of a late fee of \$10 in addition to the renewal fee. A person who submits an application for renewal more than 90 days after the certification renewal date is subject to all requirements governing new applicants under this chapter, except that the board may, giving due consideration to the protection of the public, waive examination if the renewal application is made within 3 years from the date of the expiration.

§225-A. Certified signature

1. Signature required. A drawing plan, specification or report prepared or issued by a certified interior designer and being filed for public record must bear the signature of the interior designer who prepared or approved the document, accompanied by a certification that the signer is certified under this chapter, by the person's certification number and by the date on which the signature was affixed.

2. Competency. A certified interior designer may not sign a plan, specification, drawing or other document that depicts work that the person is not competent or certified to perform.

3. Supervising control. A certified interior designer may not affix a signature to a plan, specification or other document that was not prepared by that person or under that person's responsible supervising control or by another interior designer and reviewed, approved or modified and adopted by the person as that person's own work according to the rules adopted by the board.

4. Document standards. Studies, drawings, specifications and other related documents prepared by a certified interior designer in providing interior design services must be of a sufficiently high standard to clearly and accurately indicate all essential parts of the work to which they refer.

Sec. 16. 32 MRSA §226, sub-§1, ¶¶G and H, as enacted by PL 1991, c. 396, §21, are amended to read:

G. The preparation of details and shop drawings, or job-specific interpretations of technical submissions by architects, by persons other than architects, for use in connection with the execution of their work; ~~and~~

H. Employees of those practicing lawfully as architects under this chapter from acting under the instructions, control or supervision of their employers; ~~and~~

Sec. 17. 32 MRSA §226, sub-§1, ¶I is enacted to read:

I. A person who is qualified under this chapter to use the title "certified interior designer" from performing any interior design services.

Sec. 18. 32 MRSA §226, sub-§2, ¶C, as amended by PL 1991, c. 874, §3, is further amended to read:

C. Alterations, renovations or remodeling of a building when the cost of the work contemplated by the design does not exceed 15% of the assessed value of the building or \$50,000, whichever is the lesser, or does not require the issuance of a permit under applicable building codes or when the work involves those structures as provided in paragraphs A, B, F, G and H or when the work involves interior design services performed by a certified interior designer; ~~and~~

Sec. 19. Allocation. The following funds are allocated from Other Special Revenues to carry out the purposes of this Act.

1993-94

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF

Maine State Board for Licensure of Architects, Landscape Architects and Interior Designers

All Other	\$1,000
Provides an allocation for the additional costs of regulating interior designers.	

See title page for effective date.

CHAPTER 390

H.P. 879 - L.D. 1193

An Act to Increase the Availability of Funding for Health Care

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

Sec. 1. 22 MRSA §2052, as amended by PL 1991, c. 50, §1, is further amended to read:

§2052. Declaration of necessity

It is declared that for the benefit of the people of the State, the increase of their commerce, welfare and prosperity and the improvement of their health and living conditions, it is essential that ~~hospitals, community mental health care facilities and nursing homes~~ within the State be provided with appropriate additional means to expand, enlarge and establish health care, ~~hospital, community mental health, nursing home facilities~~ and other related facilities; that this and future generations of students be given the fullest opportunity to learn and to develop their intellectual capacities; and that it is the purpose of this chapter to provide a measure of assistance and an alternative method to enable ~~hospitals, community mental health care facilities, nursing homes~~ and institutions for higher education in the State to provide the facilities and structures ~~which are solely~~ needed to accomplish the purposes of this chapter, all to the public benefit and good, and the exercise of the powers, to the extent and manner provided in this chapter, is declared the exercise of an essential governmental function.

Sec. 2. 22 MRSA §2053, sub-§2, as amended by PL 1991, c. 50, §2, is further amended to read:

2. Bonds and notes. "Bonds" and "notes" mean bonds and notes of the authority issued under this chapter, including refunding bonds, notwithstanding that the same may be secured by mortgage or the full faith and credit of the authority or the full faith and credit of a participating ~~hospital, of a participating community mental health care facility or of a participating institution for higher education, or any other lawfully pledged security of a participating hospital, of a participating community mental health care facility or of a participating institution for higher education.~~

Sec. 3. 22 MRSA §2053, sub-§2-A, as enacted by PL 1991, c. 50, §3, is amended to read:

2-A. Community mental health facility. "Community mental health facility" means a community-based facility that renders mental health services to members of the general public, that is exempt from taxation under the United States Internal Revenue Code, Section 501 and that is licensed by the Department of Mental Health and Mental Retardation under Title 34 34-B, section 1203-A.

Sec. 4. 22 MRSA §2053, sub-§2-B is enacted to read:

2-B. Community health center. "Community health center" means an incorporated nonprofit health facility that provides comprehensive primary health care to citizens in a community.

Sec. 5. 22 MRSA §2053, sub-§3-A, as enacted by PL 1991, c. 584, §1, is amended to read:

3-A. Health care facility. "Health care facility" means any a nursing home or boarding home that is, or will be upon completion, licensed under the laws of the State, a hospital, a community mental health facility or a community health center.

Sec. 6. 22 MRSA §2053, sub-§4-C, as corrected by RR 1991, c. 2, §78, is repealed.

Sec. 7. 22 MRSA §2053, sub-§5, as amended by PL 1991, c. 584, §3, is further amended to read:

5. Participating health care facility. "Participating health care facility" means ~~any hospital, nursing home or boarding home~~ a health care facility that, pursuant to this chapter, undertakes the financing and construction or acquisition of a project or undertakes the refunding or refinancing of existing indebtedness as provided in and permitted by this chapter.

Sec. 8. 22 MRSA §2053, sub-§6, ¶A, as amended by PL 1991, c. 50, §4, is further amended to read:

A. In the case of a participating ~~hospital or participating community mental health care facility,~~ the acquisition, construction, improvement, reconstruction or equipping of, or construction of an addition or additions to, ~~any a structure designed for use as a hospital, community mental health facility, clinic, nursing home or other health care or nursing care facility,~~ congregate housing facility, laboratory, laundry, nurses or interns residence or other multi-unit housing facility for staff, employees, patients or relatives of patients admitted for treatment in the hospital, community mental health care facility or nursing home, doctors office building, administration building, research facility, maintenance, storage or utility facility or other structures or facilities related to any of the foregoing or required or useful for the operation of the project, or the refinancing of existing indebtedness in connection with any of the foregoing, including parking and other facilities or structures essential or convenient for the orderly conduct of the ~~hospital, community mental health care facility or nursing home.~~ "Project" also includes all real and personal property, lands, improvements, driveways, roads, approaches, pedestrian access roads, rights-of-way, utilities, easements and other interests in land, parking lots, machinery and equipment, and all other appurtenances and facilities either on, above or under the ground ~~which that~~ are used or usable in connection with the structures mentioned in this paragraph, and includes landscaping, site preparation, furniture, machinery and equipment and other similar items necessary or convenient for the operation of a particular facility or structure in the manner for which its use is intended, but does not include such items as food, fuel, sup-

plies or other items ~~which that~~ are customarily considered as a current operating charge. In the case of a hospital, as defined in subsection 4, paragraph B, a community health center or ~~in the case of a community mental health facility as defined in subsection 2-A,~~ "project" does not include any facilities, structures or appurtenances, the use of which is not directly related to the provision of patient care by its members; and

Sec. 9. 22 MRSA §2053, sub-§7, as amended by PL 1991, c. 50, §5, is further amended to read:

7. Refinancing of existing indebtedness. "Refinancing of existing indebtedness" means liquidation, with the proceeds of bonds or notes issued by the authority, of ~~any an~~ indebtedness of a ~~hospital, community mental health care facility, nursing home~~ or institution for higher education incurred to finance or aid in financing a lawful purpose of ~~such that hospital, community mental health care facility, nursing home~~ or institution for higher education not financed pursuant to this chapter ~~which that~~ would constitute a project had it been undertaken and financed by the authority, or consolidation of such indebtedness with indebtedness of the authority incurred for a project related to the purpose for which the indebtedness of the ~~hospital, community mental health care facility, nursing home~~ or institution for higher education was incurred.

Sec. 10. 22 MRSA §2054, sub-§1, as amended by PL 1991, c. 50, §6, is further amended to read:

1. Authority. The "Maine Health and Higher Educational Facilities Authority,"² established by Title 5, chapter 379, is constituted a public body corporate and politic and an instrumentality of the State, and the exercise by the authority of the powers conferred by this chapter is deemed and held to be the performance of an essential public function. The authority consists of 12 members, one of whom must be the ~~Bank~~ Superintendent of Banking, ex officio; ; one of whom must be the Commissioner of Human Services, ex officio; ; one of whom must be the Commissioner of Education, ex officio; ; one of whom must be the Treasurer of State, ex officio; ; and 8 of whom must be residents of the State appointed by the Governor. Not more than 4 of the appointed members may be members of the same political party. Three of the appointed members must be trustees, directors, officers or employees of ~~hospitals or community mental health care~~ facilities and one of ~~such~~ these appointed members must be a person having a favorable reputation for skill, knowledge and experience in state and municipal finance, either as a partner, officer or employee of an investment banking firm ~~which that~~ originates and purchases state and municipal securities, or as an officer or employee of an insurance company or bank whose duties relate to the purchase of state and municipal securities as an investment and to the management and control of a state and municipal securities

portfolio. Of the 3 members first appointed who are trustees, directors, officers or employees of hospitals, one shall serve for 2 years, one for 3 years and one for 4 years. Of the 5 remaining members initially appointed, one shall serve for one year, one for 2 years, one for 3 years, one for 4 years and one for 5 years. For the 2 members whose terms expire in 1980 and 1981, the Governor shall appoint as successors, for terms of 5 years each, persons who are trustees, members of a corporation or board of governors, officers or employees of institutions for higher education. Annually, the Governor shall appoint, for a term of 5 years, a successor to the member whose term expires. Members shall continue in office until their successors have been appointed and qualified. The Governor shall fill any vacancy for the unexpired terms. A member of the authority is eligible for reappointment. Any non-ex officio member of the authority may be removed by the Governor, after hearing, for misfeasance, malfeasance or willful neglect of duty. Each member of the authority before entering upon the member's duties must take and subscribe the oath or affirmation required by the Constitution of Maine, Article IX. A record of each such oath must be filed in the office of the Secretary of State. The ~~Bank~~ Superintendent of Banking, the Treasurer of State, the Commissioner of Human Services and the Commissioner of Education may designate their deputies to represent them with full authority and power to act and vote in their behalf or, in the case of the ~~Bank~~ Superintendent of Banking, the Commissioner of Human Services and the Commissioner of Education, any member of their staffs to represent them as members at meetings of the authority with full power to act and, in the case of the ~~Bank~~ Superintendent of Banking, the Commissioner of Human Services and the Commissioner of Education, to vote in their behalf.

Sec. 11. 22 MRSA §2054, sub-§7, as amended by PL 1991, c. 50, §7, is further amended to read:

7. Conflict of interest. Notwithstanding any other law to the contrary, it does not constitute a conflict of interest for a trustee, director, officer or employee of a ~~hospital, community mental health care facility or nursing home~~ or for a trustee, member of a corporation or board of governors, officer or employee of an institution for higher education to serve as a member of the authority, if such trustee, director, member of a corporation or board of governors, officer or employee abstains from deliberation, action and vote by the authority under this chapter in specific respect to the ~~hospital, community mental health care facility, nursing home~~ or institution for higher education of which such member is a trustee, director, member of a corporation or board of governors, officer or employee.

Sec. 12. 22 MRSA §2055, first ¶, as amended by PL 1991, c. 50, §8, is further amended to read:

The purpose of the authority is to assist participating ~~hospitals, participating community mental health care~~

facilities and participating institutions for higher education in the undertaking of projects and the refinancing of existing indebtedness ~~which that~~ are declared to be public purposes and for the purposes of this chapter the authority is authorized and empowered:

Sec. 13. 22 MRSA §2055, sub-§5, as amended by PL 1991, c. 50, §9, is further amended to read:

5. Projects. To determine the location and character of any project to be financed under this chapter, and to acquire, construct, reconstruct, renovate, improve, replace, maintain, repair, extend, enlarge, operate, lease, as lessee or lessor, and regulate the same, to enter into contracts for any or all of such purposes, to enter into contracts for the management and operation of a project, and to designate a participating ~~hospital, a participating community mental health care~~ facility or a participating institution for higher education as its agent to determine the location and character of a project undertaken by the participating ~~hospital, participating community mental health care~~ facility or participating institution for higher education under this chapter and as the agent of the authority, to acquire, construct, reconstruct, renovate, improve, replace, maintain, repair, extend, enlarge, operate, lease, as lessee or lessor, and regulate the same, and, as the agent of the authority, to enter into contracts for any or all of such purposes, including contracts for the management and operation of such project;

Sec. 14. 22 MRSA §2055, sub-§8, as amended by PL 1991, c. 50, §10, is further amended to read:

8. Rules. To establish rules for the use of a project or any portion thereof and to designate a participating ~~hospital, a participating community mental health care~~ facility or a participating institution for higher education as its agent to establish rules for the use of a project undertaken by the participating ~~hospital, participating community mental health care~~ facility or participating institution for higher education;

Sec. 15. 22 MRSA §2055, sub-§12, as amended by PL 1991, c. 584, §4, is further amended to read:

12. Loans. To make loans to ~~any a~~ participating ~~hospital, participating community mental health care~~ facility, participating institution for higher education, other entity eligible to use the authority or consortium of entities eligible to use the authority for the cost of a project in accordance with an agreement between the authority and the participating entity or entities, ~~provided except~~ that no such loan may exceed the total cost of the project as determined by the participating entity or entities; and approved by the authority;

Sec. 16. 22 MRSA §2055, sub-§13, as amended by PL 1991, c. 50, §11, is further amended to read:

13. Refund. To make loans to a participating ~~hospital, participating community mental health care~~ fa-

cility or a participating institution for higher education to refund outstanding obligations, mortgages or advances issued, made or given by such participating ~~hospital, participating community mental health care~~ facility or participating institution for higher education for the cost of the project;

Sec. 17. 22 MRSA §2055, sub-§14, as amended by PL 1991, c. 50, §12, is further amended to read:

14. Apportionment. To charge to and equitably apportion among participating ~~hospitals, participating community mental health care~~ facilities and participating institutions for higher education its administrative costs and expenses incurred in the exercise of the powers and duties conferred by this chapter; and

Sec. 18. 22 MRSA §2055, sub-§15, as amended by PL 1991, c. 50, §13, is further amended to read:

15. Other acts. To do all things necessary or convenient to carry out the purposes of this chapter. In carrying out the purposes of this chapter, the authority may undertake a project for 2 or more participating ~~hospitals jointly, 2 or more participating community mental health care~~ facilities jointly or 2 or more participating institutions for higher education jointly, and, ~~thereupon upon~~ undertaking the project, all other provisions of this chapter apply to and for the benefit of the authority and such joint participants.

Sec. 19. 22 MRSA §2057, as amended by PL 1991, c. 50, §14, is further amended to read:

§2057. Acquisition of property by authority

The authority is authorized and empowered, directly or by and through a participating ~~hospital, a participating community mental health care~~ facility or a participating institution for higher education, as its agent, to acquire by purchase or by gift or devise such lands, structures, property, real or personal, rights and air rights, rights-of-way, franchises, easements and other interests in lands, including lands lying under water and riparian rights, and air rights, ~~which that~~ are located ~~within inside~~ or ~~without outside~~ the State, as it ~~may deem~~ determines necessary or convenient for the construction or operation of a project, upon such terms and at such prices as may be considered by it to be reasonable and can be agreed upon between it and the owner ~~thereof of lands, including lands lying under water and riparian rights, and air rights, that are located inside or outside the State, and to take title thereto to lands, including lands lying under water and riparian rights, and air rights, that are located inside or outside the State~~ in the name of the authority or in the name of a participating ~~hospital, a participating community mental health care~~ facility or a participating institution for higher education as its agent.

Sec. 20. 22 MRSA §2058, as amended by PL 1991, c. 50, §15, is further amended to read:

§2058. Conveyance of title to participating institutions

When the principal of and interest on bonds of the authority issued to finance the cost of a particular project or projects for a participating ~~hospital, a participating community mental health care facility or a participating institution~~ for higher education, including any refunding bonds issued to refund and refinance such bonds, have been fully paid and retired or when adequate provision has been made to fully pay and retire the same, and all other conditions of the resolution or trust agreement authorizing and securing the same have been satisfied and the lien of such resolution or trust agreement has been released in accordance with the provisions ~~thereof of the bonds~~, the authority shall promptly do such things and execute such deeds and conveyances as are necessary and required to convey title to such project or projects to such participating ~~hospital, participating community mental health care facility or participating institution~~ for higher education, free and clear of all liens and encumbrances, all to the extent that title to such project or projects is not, at the time, vested in such participating ~~hospital, participating community mental health care facility or participating institution~~ for higher education.

Sec. 21. 22 MRSA §2060, sub-§2, as amended by PL 1991, c. 50, §16, is further amended to read:

2. General obligations. Except as may otherwise be expressly provided by the authority, every issue of its bonds, notes or other obligations ~~are~~ is a general obligations obligation of the authority payable from ~~any revenues or moneys money~~ of the authority available ~~therefor for the payment of the obligation~~ and not otherwise pledged, subject only to ~~any~~ agreements with the holders of particular bonds, notes or other obligations pledging ~~any particular revenues or moneys money~~ and subject to any agreements with ~~any a~~ participating ~~hospital, participating community mental health care facility or participating institution~~ for higher education. Notwithstanding that such bonds, notes or other obligations may be payable from a special fund, they are and must be deemed to be for all purposes negotiable instruments within the meaning of and for all the purposes of the Uniform Commercial Code, Article 8, subject only to the provisions of such bonds, notes or other obligations for registration.

Sec. 22. 22 MRSA §2060, sub-§4, ¶A, as amended by PL 1991, c. 50, §17, is further amended to read:

A. Pledging the full faith and credit of the authority, the full faith and credit of a participating ~~hospital, a participating community mental health care facility or a participating institution~~ of higher education, all or ~~any a~~ part of the revenues of a project or ~~any a~~ revenue-producing contract or contracts made by the authority with ~~any an~~ individual, partnership, corporation or association or other body, public or private, to secure the payment of the

bonds or of ~~any a~~ particular issue of bonds, subject to such agreements with bondholders as may then exist;

Sec. 23. 22 MRSA §2061, sub-§1, as amended by PL 1991, c. 50, §18, is further amended to read:

1. Assistance. Such project will enable or assist a ~~hospital, community mental health care facility or nursing home~~ to fulfill its obligation to provide health care ~~or nursing care~~ facilities or an institution for higher education to provide educational facilities within the State;

Sec. 24. 22 MRSA §2061, sub-§2, as amended by PL 1991, c. 584, §5, is further amended to read:

2. Review. Each project for a ~~hospital, community mental health care facility or nursing home~~ has been reviewed and approved to the extent required by the agency of the State that serves as the Designated Planning Agency of the State or by the Department of Human Services in accordance with the provisions of the Maine Certificate of Need Act of 1978, as amended, or, in the case of a project for a hospital, has been reviewed and approved by the Maine Health Care Finance Commission to the extent required by chapter 107;

Sec. 25. 22 MRSA §2061, sub-§3, as amended by PL 1991, c. 50, §20, is further amended to read:

3. Lease. Such project will be leased to, or owned by, a ~~hospital, community mental health care facility, nursing home~~ or institution for higher education within inside the State; and

Sec. 26. 22 MRSA §2063, as amended by PL 1991, c. 50, §21, is further amended to read:

§2063. Credit of State not pledged

Bonds and notes issued under this chapter do not constitute or create ~~any a~~ debt or debts, liability or liabilities on behalf of the State or of ~~any a~~ political subdivision ~~thereof of the State~~ other than the authority or a loan of the credit of the State or a pledge of the faith and credit of the State or of any such political subdivision other than the authority, but are payable solely from the funds provided ~~therefor for the bonds and notes~~. All such bonds and notes must contain on the face ~~thereof of the bonds and notes~~ a statement to the effect that neither the State nor ~~any a~~ political subdivision ~~thereof of the State~~ is obligated to pay the same or the interest ~~thereon on the bonds and notes~~, except from revenues of the project or the portion ~~thereof of the project~~ for which they are issued and that neither the faith and credit nor the taxing power of the State or of ~~any a~~ political subdivision ~~thereof of the State~~ is pledged to the payment of the principal of or the interest on such bonds or notes. The issuance of bonds or notes under this chapter may not directly or indirectly or contingently obligate

the State or ~~any~~ a political subdivision ~~thereof~~ of the State to levy or to pledge any form of taxation whatever ~~therefor~~ for the bonds and notes or to make ~~any~~ an appropriation for their payment. Nothing in this section ~~contained~~ may prevent nor be construed to prevent the authority from pledging its full faith and credit or the full faith and credit of a participating ~~hospital, a participating community mental health care facility or participating institution for higher education to the payment of bonds or notes or issue of notes or bonds authorized pursuant to this chapter.~~

Sec. 27. 22 MRSA §2064, as amended by PL 1991, c. 50, §22, is further amended to read:

§2064. Rents and charges

The authority is authorized to fix, revise, charge and collect rates, rents, fees and charges for the use of and for the services furnished or to be furnished by each project and to contract with ~~any~~ a person, partnership, association or corporation, or other body, public or private, in respect ~~thereof~~ of rates, rents, fees and charges. Such rates, rents, fees and charges must be fixed and adjusted in respect of the aggregate of rates, rents, fees and charges from such project so as to provide funds sufficient with other revenues or ~~moneys~~ money available ~~therefor~~ for the project, if any, to pay the cost of maintaining, repairing and operating the project and each and every portion ~~thereof~~ of the project, to the extent that the payment of such cost has not otherwise been adequately provided for, to pay the principal of and the interest on outstanding bonds or notes of the authority issued in respect of such project as the same become due and payable, and to create and maintain reserves required or provided for in ~~any~~ a resolution authorizing, or trust agreement securing, such bonds or notes of the authority. Such rates, rents, fees and charges are not subject to supervision or regulation by ~~any~~ a department, commission, board, body, bureau or agency of this State other than the authority. A sufficient amount of the revenues derived in respect of a project, except such part of such revenues as may be necessary to pay the cost of maintenance, repair and operation and to provide reserves and for renewals, replacements, extensions, enlargements and improvements as may be provided for in the resolution authorizing the issuance of ~~any~~ bonds or notes of the authority or in the trust agreement securing the same, must be set aside at such regular intervals as may be provided in such resolution or trust agreement in a sinking or other similar fund ~~which that is hereby~~ pledged to, and charged with, the payment of the principal of and the interest on such bonds or notes as the same become due, and the redemption price or the purchase price of bonds retired by call or purchase as therein provided. Such pledge is valid and binding from the time when the pledge is made; the rates, rents, fees and charges and other revenues or other ~~moneys~~ money so pledged and ~~thereafter~~ later received by the authority are immediately subject to the lien of such pledge without any physi-

cal delivery ~~thereof~~ of the revenues or money or further act, and the lien of any such pledge is valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the authority, irrespective of whether such parties have notice ~~thereof~~ of the lien. Neither the resolution nor ~~any~~ a trust agreement nor ~~any~~ a other agreement nor any lease by which a pledge is created need be filed or recorded except in the records of the authority. The use and disposition of ~~moneys~~ money to the credit of such sinking or other similar fund are subject to the resolution authorizing the issuance of such bonds or notes or of such trust agreement. Except as may otherwise be provided in such resolution or such trust agreement, such sinking or other similar fund may be a fund for all such bonds or notes issued to finance projects at a particular participating ~~hospital, participating community mental health care facility or participating institution for higher education without distinction or priority of one over another, provided the authority in any such resolution or trust agreement may provide that such sinking or other similar fund is the fund for a particular project at a participating hospital, participating community mental health care facility or participating institution for higher education and for the bonds issued to finance a particular project and may, additionally, permit and provide for the issuance of bonds having a subordinate lien in respect of the security herein authorized in this chapter to other bonds of the authority, and, in such case, the authority may create separate sinking or other similar funds in respect of such subordinate lien bonds.~~

Sec. 28. 22 MRSA §2072, as amended by PL 1979, c. 680, §21, is further amended to read:

§2072. Agreement of the State

The State ~~does hereby~~ pledge pledges to and ~~agree~~ agrees with the holders of ~~any~~ bonds, notes and other obligations issued under this chapter, and with those parties who may enter into contracts with the authority pursuant to this chapter, that the State will not limit, alter, restrict or impair the rights hereby vested in the authority and the participating ~~hospitals~~ health care facilities and the participating institutions for higher education to acquire, construct, reconstruct, maintain and operate ~~any~~ a project as defined in this chapter or to establish, revise, charge and collect rates, rents, fees and other charges as may be convenient or necessary to produce sufficient revenues to meet the expenses of maintenance and operation ~~thereof~~ of the project and to fulfill the terms of any agreements made with the holders of bonds, notes or other obligations authorized and issued by this chapter, and with the parties who may enter into contracts with the authority pursuant to this chapter, or in any way impair the rights or remedies of the holders of such bonds, notes or other obligations of such parties until the bonds, notes and such other obligations, together with interest ~~thereon~~ on the bonds, notes and other obligations, with interest on any unpaid installment of interest and all costs

and expenses in connection with ~~any~~ an action or proceeding by or on behalf of the bondholders, are fully met and discharged and such contracts are fully performed on the part of the authority. Nothing in this chapter precludes such limitation or alteration if and when adequate provision is made by law for the protection of the holders of such bonds, notes or other obligations of the authority or those entering into such contracts with the authority. The authority is authorized to include this pledge and undertaking for the State in such bonds, notes or other obligations or contracts.

See title page for effective date.

CHAPTER 391

H.P. 1143 - L.D. 1543

An Act to Clarify the Laws Governing HIV Testing of Sexual Offenders

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

Sec. 1. 5 MRSA §19203-E, sub-§5, as enacted by PL 1991, c. 803, §3, is amended to read:

5. Determination. ~~The If the petitioner proves by a preponderance of the evidence the following, the court may shall~~ require the convicted offender to obtain HIV Testing ~~only if the petitioner proves by a preponderance of the evidence that testing:~~

A. The alleged exposure to blood or body fluids of the convicted offender created a significant risk of HIV infection as defined by the Department of Human Services, Bureau of Health through the adoption of rules in accordance with the Maine Administrative Procedure Act;

B. An authorized representative of the petitioner, the prosecuting attorney or the court has sought to obtain written informed consent from the convicted offender; and

C. Written informed consent was not given by the convicted offender.

Sec. 2. 5 MRSA §19203-E, sub-§9, as enacted by PL 1991, c. 803, §3, is amended to read:

9. Subsequent testing. Subsequent testing arising out of the same incident of exposure must be conducted in accordance with this section, except that the court is not required but has discretion to order subsequent testing under subsection 5 if the requirements of that subsection are met. Other testing of the convicted offender may not be required except as provided by this section.

See title page for effective date.

CHAPTER 392

H.P. 1136 - L.D. 1536

An Act to Establish the Maine Youth Apprenticeship Program

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

Sec. 1. 5 MRSA §12004-G, sub-§26-A is enacted to read:

26-A.	Skill Stand-	Expenses	20-A MRSA
Labor	ards Board	Only	§12734

Sec. 2. 20-A MRSA c. 432 is enacted to read:

CHAPTER 432

MAINE YOUTH APPRENTICESHIP PROGRAM

§12731. Administration and purpose

The Maine Technical College System in cooperation with the Department of Education and the Department of Labor is authorized to provide comprehensive administrative and financial services to the Maine Youth Apprenticeship Program, a nonprofit corporation organized under the laws of the State of Maine to provide an additional education option, through a partnership between business and education, for high school students and young adults to obtain classroom instruction and on-the-job training that prepares them directly for career-related employment or continued education. The sole purpose of the Maine Youth Apprenticeship Program, referred to in this chapter as "the program," is to assist the Maine Technical College System, public secondary schools and other publicly supported educational institutions in the State in providing a combination of academic learning and structured work-based learning at businesses in the State to students enrolled at Maine Technical College System facilities, public secondary schools or other publicly supported educational institutions.

The Maine Technical College System is authorized to receive and administer on behalf of the program any grants, fees, charges, appropriations and other funds from whatever source.

§12732. Goals

The goals of the program as delineated by its articles of incorporation and bylaws are:

1. Education and training. To provide a sequential education and training program that enhances opportunities for youth in this State to become highly skilled and productive members of the work force;