

# 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.

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J.S. McCarthy Company  
Augusta, Maine  
1993

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**1993**

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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:

<b>26-A.</b>	<b>Skill Stand-</b>	<b>Expenses</b>	<b>20-A MRSA</b>
<b>Labor</b>	<b>ards Board</b>	<b>Only</b>	<b>§12734</b>

**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;

**2. Skilled work force.** To provide a skilled and educated work force for businesses in the State to increase their competitiveness in the global economy; and

**3. Economic future.** To enhance the economic future of the State and improve its productivity and competitive position in a world economy by creating a skilled and educated work force.

#### **§12733. Activities**

The program shall provide a sequence of combined school and workplace education and training that has a specific industrial or occupational focus. Students participate in the program for up to 3 years and, while doing so, must be enrolled in a State technical college or other publicly supported secondary or postsecondary school. The program shall offer a curriculum based on industry skill standards recommended by the Skill Standards Board established in section 12734. Participants who demonstrate that they have met these skill standards are entitled to a certificate of skill mastery that describes the competencies achieved by the students.

The program shall encourage career exploration, applied academic and occupational course work, paid work and education experience, outcome-based assessment, structured work-based learning and enrollment in a postsecondary educational institution.

#### **§12734. Skill Standards Board**

**1. Establishment.** The Skill Standards Board, established in Title 5, section 12004-G, subsection 26-A and referred to in this section as "the board," shall advise the director of the program on the industry skill standards associated with an industry or occupational group that must be mastered in order for a student to be awarded a certificate of skill mastery.

**2. Membership.** The board consists of 14 members as follows:

- A. Three members representing business and industry;
- B. Three members representing organized labor;
- C. Three members representing education;
- D. Two student members who participate in the program;
- E. Two members from businesses that participate in the program; and
- F. One member representing the State Apprenticeship and Training Council.

**3. Appointments.** The Governor, the President of the Senate and the Speaker of the House of Representa-

tives shall each appoint one member representing business and industry, one member representing organized labor and one member representing education. The Governor shall appoint 2 members from businesses that participate in the program, 2 student members who participate in the program from persons nominated by the director of the program and one member representing the State Apprenticeship and Training Council from persons nominated by that council.

**4. Officers and staff.** The officers of the board consist of a chair and vice-chair, elected by the board from the board membership for a term of one year. Officers may be elected for one additional term. The vice-chair serves as the chair in the absence of the chair. The board is staffed by the Maine Youth Apprenticeship Program staff.

**5. Compensation.** Members are entitled to compensation for expenses, from program funds, according to Title 5, chapter 379.

See title page for effective date.

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## CHAPTER 393

### H.P. 89 - L.D. 119

#### An Act Regarding Medicaid Reimbursement for Counseling Services

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

**Sec. 1. 22 MRSA §3174-L** is enacted to read:

#### **§3174-L. Parity among counselors**

**1. Licensed clinical social workers and licensed clinical professional counselors.** Licensed clinical social workers must be eligible to receive Medicaid reimbursement for counseling services whenever licensed clinical professional counselors are eligible to be reimbursed for those services. Licensed clinical professional counselors must be eligible to receive Medicaid reimbursement for counseling services whenever licensed clinical social workers are eligible to be reimbursed for those services.

**2. Licensed master social workers and licensed professional counselors.** Licensed master social workers must be eligible to receive Medicaid reimbursement for counseling services whenever licensed professional counselors are eligible to be reimbursed for those services. Licensed professional counselors must be eligible to receive Medicaid reimbursement for counseling services whenever licensed master social workers are eligible to be reimbursed for those services.

**Sec. 2. Study.** The Board of Counseling Professionals Licensure and the State Board of Social Worker