

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 26, 1997

FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

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
1997

The fee must be collected by the water utility and remitted quarterly to the commission. Notwithstanding any limitations set forth in Title 35-A regarding a water utility's right to increase its charges to its customers, a water utility with sales subject to this subsection is authorized to increase its overall charges for the purpose of collecting the fee set forth in this subsection.

Each water utility may retain a portion of the total fees collected equivalent to the utility's administrative costs incurred in the collection and remission of the fees, not to exceed 2% of the total fees collected. For purposes of the Public Utilities Commission's rate-making authority, costs actually incurred by the utility associated with the collection and remission of the fees for the fund are considered just and reasonable for rate-making purposes.

The commission shall adopt rules that are reasonably necessary to carry out the purposes of this section pursuant to section 954-C. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

4. Reporting requirements. The commission shall submit a report by February 1, 1998 and each subsequent year to the joint standing committees of the Legislature having jurisdiction over natural resources matters, energy and utilities matters, fisheries and wildlife matters and appropriations and financial affairs, identifying the amount collected and how the fund was disbursed by the commission.

5. Additional sources of revenue. The commission shall study usage within the Saco River Corridor for the purpose of identifying additional management needs and funding sources. The commission shall take all steps necessary to obtain revenue from these funding sources to ensure that assessments on the sale of water are not the sole source of revenue for the fund.

Sec. 2. Review. It is the intent of the Legislature that assessments on the sale of water not be the sole source of revenue for the Saco River Corridor Fund. The Saco River Corridor Commission shall report to the joint standing committee of the Legislature having jurisdiction over natural resource matters by January 15, 2001 on the sources of revenue used to support the activity and operations of the Saco River Corridor Commission. The committee shall review the commission's funding by February 1, 2001 to determine whether sufficient sources of additional revenue have been obtained to support the activities of the commission.

Sec. 3. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

1997-98 1998-99

SACO RIVER CORRIDOR COMMISSION

Saco River Corridor Commission

All Other	\$26,145	\$31,500
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Allocates additional funds for the operating expenses of the commission.

See title page for effective date.

CHAPTER 331

H.P. 1000 - L.D. 1392

An Act to Require the Release of the Results of an HIV Test to a Person Who Has Experienced a Bona Fide Occupational Exposure

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

Sec. 1. 5 MRSA §19203-C, sub-§1, as amended by PL 1995, c. 404, §7, is further amended to read:

1. Petition. Any person who experiences a bona fide occupational exposure may petition the District Court with jurisdiction over the facility or other place where the exposure occurred to require the person whose blood or body fluid is the source of the exposure to submit to an HIV test and to require that the results of the test be provided to the petitioner 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 adoption of rules in accordance with the Maine Administrative Procedure Act, chapter 375;

B. The authorized representative of the employer of the person exposed has informed the person whose blood or body fluid is the source of the occupational exposure and has sought to obtain written informed consent from the person whose blood or body fluid is the source of the exposure; and

C. Written informed consent was not given by the person whose blood or body fluid is the source of the exposure and that person has refused to be tested.

Sec. 2. 5 MRSA §19203-C, sub-§4, as amended by PL 1995, c. 404, §10, is further amended to read:

4. Determination. The court ~~may~~ shall require the person whose blood or body fluid is the source of the exposure to obtain an HIV test ~~only~~ if the petitioner proves, by a preponderance of the evidence, that:

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

B. An authorized representative of the employer of the person exposed has informed the patient of the occupational exposure and has sought to obtain written informed consent from the person whose blood or body fluid is the source of the exposure; and

C. Written informed consent was not given by the person whose blood or body fluid is the source of the exposure and that person has refused to be tested.

~~In determining whether to order the test, the court shall consider the balance of benefit and harm to both individuals if the test is ordered.~~

See title page for effective date.

CHAPTER 332

H.P. 849 - L.D. 1154

An Act Concerning the Requirement That Employers Garnish the Wages of Their Employees Who Owe Child Support

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

Sec. 1. 19-A MRSA §2366, first ¶, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

A person who fails to honor an order to withhold and deliver, an order for expedited withholding, or a duly executed assignment of earnings, or fails to surrender property under section 2363, is liable to the department ~~in an amount equal to the debt that is the basis of the~~ for the greater of \$500 or the amount the person was required to remit to the department under a lien, order to withhold and deliver, order for expedited withholding, demand for surrender or assignment of

earnings, together with costs, interest and reasonable attorney's fees.

Sec. 2. Effective date. This Act takes effect October 1, 1997.

Effective October 1, 1997.

CHAPTER 333

H.P. 1181 - L.D. 1672

An Act to Ensure Proper Training for Conducting Forensic Examinations of Victims of Sexual Assault

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

Whereas, sexual assault continues to represent the most rapidly growing violent crime in America, claiming a victim every 45 seconds; and

Whereas, sexual assault can lead to serious biological and mental health trauma that must be addressed immediately; and

Whereas, the development of a community-based team approach may provide for the dignified and compassionate treatment of sexual assault victims; 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:

Sec. 1. 30-A MRSA §287, sub-§4, as enacted by PL 1993, c. 27, §1, is amended to read:

4. Standardized kit for evidence collection in cases of gross sexual assault. The Department of Public Safety shall determine by rule what constitutes a standardized kit for evidence collection in cases of gross sexual assault. A physician or other health care professional who conducts a physical examination of an alleged victim of gross sexual assault shall use a standardized evidence collection kit that meets the requirements established by rule of the Department of Public Safety.

A health care professional, other than a physician, who conducts a physical examination of an alleged victim of gross sexual assault must be trained in the