

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

SECOND REGULAR SESSION
January 2, 2002 to April 25, 2002

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 25, 2002

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
2002

Sec. 13. Appropriations and allocations.

The following appropriations and allocations are made.

PUBLIC SAFETY, DEPARTMENT OF

Capitol Security - Bureau of

Initiative: Provides funds for the additional cost of increasing the normal cost component associated with providing retirement coverage to capitol security officers under the 1998 Special Plan effective July 1, 2002.

General Fund	2001-02	2002-03
Personal Services	\$0	\$1,379

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect July 1, 2002.

Effective July 1, 2002.

CHAPTER 647

H.P. 1651 - L.D. 2157

An Act Regarding the Requirements for Documenting Pretest and Post-test Counseling for HIV Tests

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

Sec. 1. 5 MRSA §19204-A, sub-§1, ¶B, as amended by PL 1995, c. 404, §15, is further amended to read:

~~B. A written memorandum~~ An entry in the medical record of the person being counseled summarizing the contents of the discussion concerning at least the topics listed in paragraph A, subparagraphs (1) to (5) ~~given to the person being counseled.~~ A written informed consent form may be used to satisfy the requirement ~~for a written memorandum~~ in this paragraph if it contains all the required information. A written consent form does not satisfy the requirement for personal counseling in paragraph A.

Sec. 2. 5 MRSA §19204-A, sub-§2, ¶B, as amended by PL 1995, c. 404, §15, is further amended to read:

~~B. A written memorandum~~ An entry in the medical record of the person being counseled summarizing the contents of the discussion ~~given to the person being counseled;~~ and

Sec. 3. 5 MRSA §19204-A, sub-§5 is enacted to read:

5. Written information to person being counseled. To comply with the requirements of this section regarding pretest counseling, in addition to meeting the requirements of subsection 1, the provider of an HIV test shall give to the person being counseled a written document containing information on the subjects described in subsection 1, paragraph A. To comply with the requirements of this section regarding post-test counseling, in addition to meeting the requirements of subsection 2, the provider of an HIV test shall give to the person being counseled a written document containing information on the subjects described in subsection 2, paragraph A. A written consent form or other document may be used to meet one or both of the requirements for information pursuant to this subsection if the form or document contains all the information required for the type of counseling being offered.

See title page for effective date.

CHAPTER 648

H.P. 1565 - L.D. 2070

An Act to Establish the Community Preservation Advisory Committee

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

Sec. 1. 5 MRSA §12004-I, sub-§24-F is enacted to read:

24-F.	<u>Community</u>	<u>Legislative</u>	<u>30-A</u>
<u>Environment:</u>	<u>Preservation</u>	<u>Per Diem</u>	<u>MRSA</u>
<u>Natural</u>	<u>Advisory</u>	<u>and</u>	<u>§4350</u>
<u>Resources</u>	<u>Committee</u>	<u>Expenses</u>	
		<u>for</u>	
		<u>Legislators</u>	
		<u>and</u>	
		<u>Expenses</u>	
		<u>Only for</u>	
		<u>Certain</u>	
		<u>Members</u>	

Sec. 2. 30-A MRSA c. 187, sub-c. II, art. 3-B is enacted to read:

Article 3-B

COMMUNITY PRESERVATION ADVISORY COMMITTEE

§4350. Community Preservation Advisory Committee

1. Establishment; purpose. The Community Preservation Advisory Committee, established by Title 5, section 12004-I, subsection 24-F and referred to in

this article as the "committee," shall advise the Governor, the Legislature, the office and other pertinent state agencies and entities on matters relating to community preservation.

2. Membership; appointment. The committee consists of the following 13 members:

A. The Director of the State Planning Office or the director's designee;

B. Two members from the Senate appointed by the President of the Senate, at least one belonging to the political party holding the largest number of seats in the Senate and at least one belonging to the political party holding the 2nd largest number of seats in the Senate. When making the appointments, the President of the Senate shall give preference to members from the joint standing committees of the Legislature having jurisdiction over natural resources matters, state and local government matters, education matters, transportation matters, taxation matters and business and economic development matters. When making the appointments, the President of the Senate also shall consider appointing members who represent a rural community, a fast-growing community or a service center community;

C. Four members from the House of Representatives appointed by the Speaker of the House, at least one belonging to the political party holding the largest number of seats in the House of Representatives and at least one belonging to the political party holding the 2nd largest number of seats in the House of Representatives. When making the appointments, the Speaker of the House shall give preference to members from the joint standing committees of the Legislature having jurisdiction over natural resources matters, state and local government matters, education matters, transportation matters, taxation matters and business and economic development matters. When making the appointments, the Speaker of the House also shall consider appointing a member who represents a rural community, a member who represents a fast-growing community and a member who represents a service center community;

D. One member representing a statewide housing authority, appointed by the President of the Senate;

E. One member representing an environmental organization, appointed by the Speaker of the House;

F. Two members representing municipal interests, one who represents rural municipal interests

and one who represents service center municipal interests, appointed by the President of the Senate;

G. One member representing the real estate or development industry, appointed by the Speaker of the House; and

H. The Director of the Maine Historic Preservation Commission or the director's designee.

3. Terms. Except for Legislators, who serve terms coincident with their legislative terms, all members are appointed for 3-year terms. A vacancy must be filled by the same appointing authority that made the original appointment. Appointed members may not serve more than 2 terms. Members may continue to serve until their replacements are designated.

4. Compensation. Legislative members are entitled to receive the legislative per diem, as defined in Title 3, section 2, and to reimbursement for expenses according to Title 5, section 12004-I, subsection 24-F. Public members not otherwise compensated by their employers or other entities that they represent are entitled to reimbursement of necessary expenses incurred for their attendance at authorized meetings of the committee.

5. Quorum; actions. A quorum is a majority of the members of the committee. An affirmative vote of the majority of the members present at a meeting is required for any action. Action may not be considered unless a quorum is present.

6. Chairs. The first appointed Senate member is the Senate chair of the committee and the first appointed House of Representatives member is the House chair of the committee.

7. Meetings. The committee may not meet more than 4 times per year.

8. Drafting assistance. The office shall provide the committee with staff assistance. Upon the approval of the Legislative Council, the Office of Policy and Legal Analysis may provide drafting assistance with the preparation of recommended legislation as requested by the chairs of the committee. The drafting assistance provided by the Office of Policy and Legal Analysis may be provided only when the Legislature is not in session.

9. Duties. The committee shall:

A. Submit an annual report of the committee's activities to the Legislature and the joint standing committee of the Legislature having jurisdiction over natural resources matters by December 1st of each year;

B. Provide assessment, advice and recommendations on emerging policy concerns or on adjustments to existing programs related to growth management;

C. Review and make recommendations on the State's fiscal, transportation, education funding, school-siting and land use policies that affect service center communities, rural lands and development sprawl;

D. Review tax policy as it affects land use decisions;

E. Provide assessment, advice and recommendations on the role of state office buildings in the continued viability of downtown service centers within the State and the impact of growth-related capital investments and location decisions by the State;

F. Provide assessment, advice and recommendations on the coordination of state and local urban transportation planning and streamlining of local and state land use rules and regulations to permit and encourage efficient neighborhood and economic development in growth areas; and

G. Review and make recommendations regarding options for establishing a state transferable development rights bank.

§4350-A. Repeal date

This article is repealed June 1, 2008.

Sec. 3. Funding for public members not otherwise reimbursed for service on committee. The Maine State Housing Authority, with existing budgeted resources, shall provide compensation for public members of the Community Preservation Advisory Committee who are not otherwise reimbursed for their service on the committee.

See title page for effective date.

CHAPTER 649

H.P. 1617 - L.D. 2116

An Act to Establish the Maine Library of Geographic Information

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

Sec. 1. 5 MRSA c. 158, sub-c. II-B is enacted to read:

SUBCHAPTER II-B

MAINE LIBRARY OF GEOGRAPHIC INFORMATION

§1890-I. Short title

This subchapter may be known and cited as the "Maine Library of Geographic Information Act."

§1890-J. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Association. "Association" means an organization:

A. Whose membership is identifiable by regular payment of organizational dues and regularly maintained membership lists;

B. That is registered with the State or is a corporation in the State; and

C. That exists for the purpose of advancing the common occupation or profession of its membership.

2. Data custodian. "Data custodian" means a federal data custodian, state data custodian or nonstate data custodian.

3. Federal data custodian. "Federal data custodian" means any branch, agency or instrumentality of the Federal Government.

4. Geographic information board. "Geographic information board" means the Maine Library of Geographic Information Board.

5. Geographic information system. "Geographic information system" or "GIS" means a computer system capable of assembling, storing, manipulating, analyzing and displaying information identified according to locations. A GIS includes operating personnel, hardware, software and the data that go into the system.

6. Maine Library of Geographic Information. "Maine Library of Geographic Information" or "library" means the statewide network officially sanctioned by the Legislature through this Act by which data custodians or their designees organize, catalog and provide access to public geographic information to all levels of government and to the public.

7. Nonstate data custodian. "Nonstate data custodian" means any agency or instrumentality of a political subdivision of the State.