

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

FIRST REGULAR SESSION
December 6, 2006 to June 21, 2007

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 20, 2007

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2007

~~(5) Information on good HIV preventive practices and HIV risk reduction plans; and~~

~~B. 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). A written informed consent form may be used to satisfy the requirement 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.~~

The provider of an HIV test may offer group pretest counseling, but individual counseling must be provided if the subject of the test requests it.

2. Post-test counseling. "Post-test counseling" must include:

A. Personal counseling that includes, at a minimum, a discussion of:

(1) The test results and the reliability and significance of the test results. The person providing post-test counseling shall communicate the result confidentially and through personal contact;

(3) Information on good preventive practices and risk reduction plans; and

(4) Referrals for medical care and information and referrals for support services, including social, emotional support and legal services, as needed;

B. An entry in the medical record of the person being counseled summarizing the contents of the discussion; and

C. The offer of face-to-face counseling. If the subject of the test declines, the provider of the test may provide an alternative means of providing the information required by paragraph A.

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.~~

Sec. 4. 5 MRSA §19204-B, sub-§2, ¶A, as enacted by PL 1987, c. 811, §9, is amended to read:

A. If the employee declines to be tested pursuant to section 19203-A;

Sec. 5. 22 MRSA §834, as enacted by PL 1997, c. 368, §1, is repealed.

See title page for effective date.

CHAPTER 94

S.P. 137 - L.D. 436

An Act To Postpone the Expiration of the Required Nonhospital Expenditures Component in the Capital Investment Fund

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

Sec. 1. 2 MRSA §102, sub-§3, as amended by PL 2005, c. 227, §1, is further amended to read:

3. Nonhospital capital expenditures. For the first ~~6~~ 7 years of the plan, the nonhospital component of the capital investment fund must be at least 12.5% of the total.

This subsection is repealed July 1, ~~2008~~ 2009.

See title page for effective date.

CHAPTER 95

S.P. 144 - L.D. 443

An Act To Require the Department of Environmental Protection To Meet the Federal Requirements on Regional Haze Visibility Impairment

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

Sec. 1. 38 MRSA §582, sub-§5-C is enacted to read:

5-C. Best available retrofit technology or BART. "Best available retrofit technology" or "BART" means an emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each visibility-impairing air pollutant that is emitted by an existing stationary facility. The emission limitation must be established, on a case-by-case basis, taking into consideration the technology available, the costs of compliance, the energy and non-air quality