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OF THE

STATE OF MAINE

AS PASSED BY THE

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~~(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

environmental impacts of compliance, any pollution control equipment in use or in existence at the source, the remaining useful life of the source and the degree of improvement in visibility that may reasonably be anticipated to result from the use of such technology.

Sec. 2. 38 MRSA §582, sub-§5-D is enacted to read:

5-D. BART eligible unit. "BART eligible unit" means an existing stationary facility.

Sec. 3. 38 MRSA §582, sub-§5-E is enacted to read:

5-E. Existing stationary facility. "Existing stationary facility" has the same meaning as in 40 Code of Federal Regulations, Section 51.301 (2006).

Sec. 4. 38 MRSA §603-A, sub-§1, as enacted by PL 1983, c. 504, §10, is amended to read:

1. Scope. This section ~~shall apply~~ applies to those fuel-burning sources in the State ~~which~~ that are not required to achieve the lower emission rates of new source performance standards or as required to satisfy the case-by-case requirements of best available control technology or best available retrofit technology.

Sec. 5. 38 MRSA §603-A, sub-§2, as amended by PL 1999, c. 657, §24, is further amended to read:

2. Prohibitions. Except as provided in subsections 4 ~~and~~, 5 and 8, no person may use any liquid fossil fuel with a sulfur content exceeding the limits in paragraph A or any solid fossil fuel with a sulfur content to heat content ratio exceeding the limits of paragraph B.

A. The sulfur content for liquid fossil fuels is as follows.

(1) In the Central Maine, Downeast, Aroostook County and Northwest Maine Air Quality Control Regions, no person may use any liquid fossil fuel with a sulfur content greater than 2.5% until November 1, 1991, and 2.0% by weight any time thereafter. In the Metropolitan Portland Air Quality Control Region outside the Portland Peninsula Air Quality Control Region, no person may use any liquid fossil fuel with a sulfur content greater than 2.5% until November 1, 1991, and 2.0% by weight any time thereafter.

(2) In the Portland Peninsula Air Quality Control Region, no person may use any liquid fossil fuel with a sulfur content greater than 1.5% by weight any time after November 1, 1975.

B. The sulfur content for solid fossil fuels is as follows:

(1) ~~1.2~~ One and two-tenths pounds sulfur per million British Thermal Units until November 1, 1991, and .96 pounds sulfur per million British Thermal Units thereafter, calculated as a calendar quarter average for sources in the Central Maine, Downeast, Aroostook County, Northwest Maine Air Quality Control Regions and that portion of the Metropolitan Portland Air Quality Region outside the Portland Peninsula Air Quality Region. A calendar quarter ~~shall be~~ is composed of the months as follows: (1) January, February, March; (2) April, May, June; (3) July, August, September; and (4) October, November, December; and

(2) ~~0.72~~ Seventy-two hundredths pounds sulfur per million British Thermal Units calculated as a calendar quarter average for sources in the Portland Peninsula Air Quality Region. A calendar quarter ~~shall be~~ is composed of the months as follows: (1) January, February, March; (2) April, May, June; (3) July, August, September; and (4) October, November, December.

Sec. 6. 38 MRSA §603-A, sub-§8 is enacted to read:

8. Best available retrofit technology or BART requirements. For those BART eligible units determined by the department to need additional sulfur air pollution controls to improve visibility, the controls must:

A. Be installed and operational no later than January 1, 2013; and

B. Either:

(1) Require the use of sulfur oil having 1% or less of sulfur by weight; or

(2) Be equivalent to a 50% reduction in sulfur emissions from a BART eligible unit based on a BART eligible unit source emission baseline determined by the department under 40 Code of Federal Regulations, Section 51.308 (d)(3)(iii)(2006) and 40 Code of Federal Regulations, Section 51 Appendix Y (2006).

Sec. 7. Report. The Department of Environmental Protection shall report to the Joint Standing Committee on Natural Resources no later than January 15, 2008 with a plan to meet federal requirements on regional haze. The plan must contain, but is not limited to, an analysis of baseline conditions and an estimate of natural visibility conditions, reasonable progress goals for visibility improvement, an assessment of best available retrofit technology and a recommendation of those measures necessary to meet reasonable progress toward the goal of achieving natural visibil-

ity. The Joint Standing Committee on Natural Resources may submit legislation on these issues to the Second Regular Session of the 123rd Legislature.

See title page for effective date.

CHAPTER 96

H.P. 399 - L.D. 521

An Act To Amend the Laws Relating to Juveniles

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

Sec. 1. 15 MRSA §3103, sub-§2, as amended by PL 1997, c. 752, §6, is further amended to read:

2. Dispositional powers. All of the dispositional powers of the Juvenile Court provided in section 3314 apply to a juvenile who is adjudicated to have committed a juvenile crime, except that no commitment to a Department of Corrections juvenile correctional facility or ~~other detention~~ period of confinement may be imposed for conduct described in subsection 1, paragraphs B and C.

Sec. 2. 15 MRSA §3203-A, sub-§7-B is enacted to read:

7-B. Separate nonsecure custody; detention. When a juvenile who is being held in nonsecure custody or is being detained pursuant to this section is transported to or from court or to or from a juvenile facility or is being held in a court holding area awaiting court proceedings, the juvenile must be separated by sight and sound from any adult detainee.

Sec. 3. 15 MRSA §3301, sub-§5-A, as amended by PL 1999, c. 624, Pt. B, §10, is repealed.

Sec. 4. 15 MRSA §3312, sub-§3, ¶D, as enacted by PL 1999, c. 624, Pt. B, §20, is further amended to read:

D. If the court finds, after opportunity for hearing, that a juvenile released with a condition of participation in a juvenile drug treatment court program has intentionally or knowingly violated that condition, the court may impose a sanction of up to 7 days' ~~detention~~ confinement in a ~~detention~~ facility approved or operated by the Department of Corrections exclusively for juveniles. Nothing in this paragraph restricts the ability of the court to impose sanctions other than ~~detention~~ confinement for the violation of a condition of participation in a juvenile drug treatment court program or the ability of the court to enter any dispositional order allowed under section 3314 on final disposition.

Sec. 5. 15 MRSA §3314, sub-§1, ¶H, as amended by PL 2005, c. 507, §12, is further amended to read:

H. The court ~~may commit the juvenile to a Department of Corrections juvenile correctional facility and order that the disposition be suspended or~~ may order the juvenile to serve a period of confinement that may not exceed 30 days, with or without an underlying suspended disposition of commitment to a Department of Corrections juvenile correctional facility, which confinement must be served concurrently with any other period of confinement previously imposed and not fully discharged or imposed on the same date but may be served intermittently as the court may order and must be ordered served in a facility approved or operated by the Department of Corrections exclusively for juveniles. The court may order such a disposition to be served as a part of and with a period of probation that is subject to such provisions of Title 17-A, section 1204 as the court may order and that must be administered pursuant to Title 34-A, chapter 5, subchapter 4. Revocation of probation is governed by the procedure contained in subsection 2. Any disposition under this paragraph is subject to Title 17-A, section 1253, subsection 2 except that a statement is not required to be furnished and the day-for-day deduction must be determined by the facility, but not to Title 17-A, section 1253, subsection 2, paragraph A, or subsection 3-B, 4, 5, 8, 9 or 10. For purposes of calculating the commencement of the period of confinement, credit is accorded only for the portion of the first day for which the juvenile is actually confined; the juvenile may not be released until the juvenile has served the full term of hours or days imposed by the court. ~~Whenever~~ When a juvenile is committed for a period of confinement, the court shall determine whether reasonable efforts have been made to prevent or eliminate the need for removal of the juvenile from the juvenile's home or that reasonable efforts are not necessary because of the existence of an aggravating factor as defined in Title 22, section 4002, subsection 1-B and whether continuation in the juvenile's home would be contrary to the welfare of the juvenile. This determination does not affect whether the court orders a period of confinement.

Sec. 6. 15 MRSA §3314, sub-§2, as amended by PL 2003, c. 503, §2, is further amended to read:

2. Suspended disposition. The court may impose any of the dispositional alternatives provided in subsection 1 and may suspend its disposition and place the juvenile on a specified period of probation that is subject to such provisions of Title 17-A, section 1204 as the court may order and that is administered pursuant to the provisions of Title 34-A, chapter 5, sub-