

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
OCTOBER 9, 1991

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
1991

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE

FIRST REGULAR SESSION

of the

ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

A. Government vehicles as identified in section 256;

B. Vehicles owned or controlled by a dealer as defined by subchapter III-A; or

C. Vehicles registered as vehicles for hire.

Sec. 2. 29 MRSA §780, sub-§8, as amended by PL 1989, c. 824, §4, is repealed.

Sec. 3. Effective date. This Act takes effect on January 1, 1992.

Effective January 1, 1992.

CHAPTER 217

H.P. 60 - L.D. 88

An Act Concerning Consent to Dental Care

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

24 MRSA §2905, sub-§1, as amended by PL 1989, c. 74, §2, is further amended to read:

1. Disallowance of recovery on grounds of lack of informed consent. No recovery may be allowed against any physician, podiatrist, dentist or any health care provider upon the grounds that the health care treatment was rendered without the informed consent of the patient or the patient's spouse, parent, guardian, nearest relative or other person authorized to give consent for the patient when:

A. The action of the physician, podiatrist or dentist in obtaining the consent of the patient or other person authorized to give consent for the patient was in accordance with the standards of practice among members of the same health care profession with similar training and experience situated in the same or similar communities; ~~and~~

B. A reasonable person, from the information provided by the physician, podiatrist or dentist under the circumstances, would have a general understanding of the procedures or treatments and of the usual and most frequent risks and hazards inherent in the proposed procedures or treatments which are recognized and followed by other physicians, podiatrists or dentists engaged in the same field of practice in the same or similar communities; or

C. A reasonable person, under all surrounding circumstances, would have undergone such treatment or procedure had that person been advised by the physician, podiatrist or dentist in accordance with paragraphs A and B or this paragraph.

For purposes of this subsection, the physician, podiatrist, dentist or health care provider may rely upon a reasonable representation that the person giving consent for the patient is authorized to give consent unless the physician, podiatrist, dentist or health care provider has notice to the contrary.

See title page for effective date.

CHAPTER 218

H.P. 291 - L.D. 412

An Act to Make the Wild Blueberry the Official State Berry

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

1 MRSA §219 is enacted to read:

§219. State berry

The wild blueberry (*vaccinium angustifolium*, aiton) is the official state berry.

See title page for effective date.

CHAPTER 219

S.P. 299 - L.D. 797

An Act to Regulate Conflict of Interest within the Maine Science and Technology Commission

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

Whereas, existing law, the Maine Revised Statutes, Title 17, section 3104, provides that persons holding positions of trust in any state office or public institution may not have any direct or indirect interest in any contract made on behalf of the State or of the institution in which they hold a place of trust; and

Whereas, the effectiveness of the Maine Science and Technology Commission depends upon the active involvement of individuals from educational institutions, nonprofit organizations, business enterprises and government serving on the commission and the advisory bodies to the commission; and

Whereas, the commission and advisory body members who have the skills and interest to serve will represent institutions having a direct or indirect interest; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Consti-