

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)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
108TH LEGISLATURE
SECOND REGULAR SESSION

(Filing No. H-1065)

COMMITTEE AMENDMENT "A" to H.P. 1990, L.D. 2065, Bill, "AN ACT to Amend the Child Welfare Laws."

Amend the bill in the last paragraph of the emergency preamble by striking out after the word "create" the word "and" and inserting in its place the word 'an'

Further amend the bill by inserting after section 1 the following:

'Sec. 1-A. 22 MRSA §3860, sub-§3, last sentence, as repealed and replaced by PL 1977, c.511, is repealed and the following enacted in its place:

'Information or records obtained by subpoena under paragraph A shall be treated in accordance with section 3859. Criminal history record information obtained under paragraph B shall be used only for the purposes for which it was given and shall not be further disseminated except in accordance with Title 16.'

Further amend the bill in section 3 in that part designated "§3891-A," subsection 1, by striking out the underlined word "approved" and inserting in its place the underlined words 'temporarily licensed'

Further amend the bill in section 3 in that part designated "§3891-B" subsection 2 by adding at the end the following new sentence:

'No recovery shall be allowed against any physician or any health care provider upon the grounds that the emergency medical treatment was rendered without the informed consent of the child or the child's parents when the department gave its consent for the child to receive that emergency medical treatment.'

Further amend the bill in section 3 by striking out all of that part designated "§3891-C." and inserting in its place the following:

'§3891-C. Contacting parents; consent of parent; child

1. Parent. Upon initiation of short-term emergency services for a child, the department shall take reasonable steps to notify a parent of the child that the child is receiving the services and to seek the parent's consent for the services.

*P
ear
the
for*

Short-term emergency services may be provided to the child prior to the consent of the child's parent. If, after the parent has been contacted, he refuses to consent to the provision of short-term emergency services to his child, the services shall be terminated.

2. Child. Short-term emergency services shall not be provided to any child who expresses a clear desire not to receive the services.'

Statement of Fact

This amendment clarifies some printing errors in the bill. It ensures that physicians and other health care providers would not be sued by parents after they had performed emergency medical treatment on minors at the request of the Department of Human Services and ensures that facilities used to provide short-term emergency services will be licensed. It also ensures that the standards for further dissemination of criminal history record information will be those of Title 16, section 601, et seq.

Reported by the Committee on Health and Institutional Services.

Reproduced and distributed under the direction of the Clerk of the House.

2/23/78

(Filing No. H-1065)