

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1990

Legislative Document

No. 88

H.P. 60

House of Representatives, December 31, 1990

Reference to the Committee on Banking and Insurance suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative SMALL of Bath.

Cosponsored by Senator GILL of Cumberland, Senator HOLLOWAY of Lincoln and Representative MacBRIDE of Presque Isle.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act Concerning Consent to Dental Care.



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

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24 MRSA §2905, sub-§1-A is enacted to read:

6 1-A. Consent for treatment of a minor. A recovery may not
8 be allowed against any dentist or any health care provider upon
10 the grounds that dental treatment was rendered without the
12 parent's or guardian's consent for dental care of a minor child,
14 if consent to the care has been given by a parent or a guardian
16 of the minor. The immunity provided by this subsection applies
18 whether:

20 A. The parents are married, unmarried or separated at the
22 time of consent or treatment;

24 B. The consenting parent is, or is not, a custodial parent
26 of the minor; and

28 C. The giving of consent by a parent is, or is not, full
performance of any agreement between the parents, or any
order or decree in any action under Title 19, section 214.

STATEMENT OF FACT

This bill revises the informed consent to health care treatment provision of the Maine Health Security Act by changing the circumstances in which immunity is accorded to dentists and health care providers rendering dental treatment to a minor.