

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1275

S.P. 395

In Senate, March 14, 2019

An Act To Support Access to Health Services for Homeless Youth in Maine

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator SANBORN, L. of Cumberland.
Cosponsored by Representative TALBOT ROSS of Portland and
Senators: GRATWICK of Penobscot, SANBORN, H. of Cumberland, Representatives:
GATTINE of Westbrook, GRAMLICH of Old Orchard Beach, MADIGAN of Waterville,
MARTIN of Eagle Lake, MEYER of Eliot, STOVER of Boothbay.

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

2 **Sec. 1. 22 MRSA §1503, sub-§1**, as enacted by PL 1995, c. 694, Pt. C, §8 and
3 affected by Pt. E, §2, is repealed and the following enacted in its place:

4 **1. Living separately; independent of parental support.** Is living separately from
5 parents or a legal guardian and is independent of parental support. A minor may prove
6 that the minor meets the requirements of this subsection with documentation including,
7 but not limited to:

8 A. A written statement affirming that the minor is living separately from parents or a
9 legal guardian and is independent of parental support signed by:

10 (1) A director or designee of a governmental or nonprofit agency that receives
11 public or private funding to provide services to homeless persons;

12 (2) A local education agency liaison for homeless children and youth designated
13 pursuant to 42 United States Code, Section 11432(g)(1)(J)(ii) or a school social
14 worker or counselor; or

15 (3) An attorney representing the minor in any legal matter;

16 B. A copy of a protection from abuse complaint or a temporary order or final order
17 of protection against the minor's parent or legal guardian; or

18 C. Proof of filing a petition for emancipation pursuant to Title 15, section 3506-A;

19 **Sec. 2. 22 MRSA §1503**, as enacted by PL 1995, c. 694, Pt. C, §8 and affected by
20 Pt. E, §2, is amended by adding at the end a new paragraph to read:

21 A health care practitioner who provides medical, mental, dental or other health
22 counseling or services to a minor pursuant to this section and can demonstrate
23 compliance with this section is immune from any civil or criminal liability based on the
24 health care practitioner's determination to provide the services, except that a health care
25 practitioner may be held liable for the health care practitioner's gross negligence or
26 willful or wanton acts or omissions. The consent given under this section is not subject to
27 later disaffirmance solely by reason of the minor's minority.

28 **SUMMARY**

29 Under current law, a minor who has been living separately from parents or legal
30 guardians for at least 60 days and is independent of parental support may provide consent
31 to all medical, mental, dental and other health counseling and services.

32 This bill allows a minor to provide consent to all medical, mental, dental and other
33 health counseling and services by proving that the minor is living separately and is
34 independent of parental support through various means such as a written, signed
35 statement to that fact from the director of a governmental or nonprofit agency that
36 provides services to homeless persons or an attorney representing the minor or proof of
37 filing for emancipation.

1 This bill also provides immunity to a health care practitioner who provides services to
2 a minor if the minor consented to those services and provided proof of living separately
3 and independently. Finally, this bill prohibits a minor or other person from disaffirming
4 the consent given by the minor solely because the minor is a minor.