

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)

ACTS, RESOLVES AND CONSTITUTIONAL RESOLUTIONS

AS PASSED BY THE

One Hundred and Sixth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with the Revised Statutes of 1964, Title 3, Section 164, Subsection 6.

THE KNOWLTON AND MCLEARY COMPANY
FARMINGTON, MAINE
1973

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Sixth Legislature
1973

issued which will be secured by such Housing or Capital Reserve Funds, provided that nothing shall preclude the state authority from satisfying the foregoing requirement by depositing so much of the proceeds of the bonds being issued, upon their issuance as is needed for the fund to achieve the required minimum reserve.

Sec. 3. R. S., T. 30, § 4761, amended. The last 2 paragraphs of section 4761 of Title 30 of the Revised Statutes, as enacted by section 18 of chapter 470 of the public laws of 1969 are amended to read as follows:

In order to assure the maintenance of the required minimum reserve in the Housing Reserve Fund and in any Capital Reserve Fund, there shall be annually appropriated and paid to the state authority for ~~deposit~~ deposits in said ~~fund~~ funds, such sum, if any, as shall be certified by the director of the state authority to the Governor as necessary to restore ~~said~~ any such fund to an amount equal to the required minimum reserve. The director shall annually, on or before December 1st, make and deliver to the Governor his certificate stating the sum, if any, required to restore ~~said~~ any such fund to the amount aforesaid, and the sum or sums so certified shall be appropriated and paid to the state authority during the then current state fiscal year.

For purposes of valuation of ~~said~~ any such fund, securities acquired as an investment for ~~said~~ any such fund shall be valued at par, actual cost to the state authority or market value, whichever value is less.

Effective October 3, 1973

CHAPTER 624

AN ACT Relating to Family Planning Services.

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

Sec. 1. R. S., T. 22, c. 406, additional. Title 22 of the Revised Statutes is amended by adding a new chapter 406 to read as follows:

CHAPTER 406

FAMILY PLANNING SERVICES

§ 1901. Legislative intent

The Legislature finds that family planning services are not sufficiently available as a practical matter to many persons in this State; that unwanted conception may place severe medical, emotional, social and economic burdens on the family unit and that it is desirable that inhibitions and restrictions to the delivery of family planning services be reduced so that all persons desiring and needing such services shall have ready and practicable access thereto in appropriate settings sensitive to their needs and beliefs. The Legislature therefore declares that it is consistent with public policy to make available comprehensive medical knowledge, assistance and services relating to family planning.

§ 1902. Definitions

As used in this chapter, unless the context otherwise indicates, the following words shall have the following meanings.

1. Contraceptive procedures. "Contraceptive procedures" means any medically accepted procedure to prevent conception when performed by or under the direction of a physician on a requesting and consenting patient.
2. Contraceptive supplies. "Contraceptive supplies" means those medically approved drugs, prescriptions, rhythm charts, devices and other items designed to prevent conception through chemical, mechanical, behavioral or other means.
3. Family planning. "Family planning" means informed and voluntary self-determination of desired family size and of the timing of child bearing based upon comprehensive knowledge of factors pertinent to this determination.
4. Family planning services. "Family planning services" means counseling with trained personnel regarding family planning, contraceptive procedures and the treatment of infertility; distribution of literature relating to family planning, contraceptive procedures and the treatment of infertility; referral of patients to physicians or health agencies for consultation, examination, tests, medical treatment and prescription for the purposes of family planning, contraceptive procedures and treatment of infertility and provision of contraceptive procedures and contraceptive supplies by those qualified to do so under the laws of this State.
5. Physician. "Physician" means any doctor of medicine or doctor of osteopathy duly licensed to practice his profession in this State.
6. Person. "Person" means any person regardless of sex, race, number of children, marital status, motive and citizenship.

§ 1903. Authority and policy

It shall be the policy and authority of this State that:

1. Availability. Family planning services shall be readily and practicably available to all persons desiring and needing such services;
2. Consistent with public policy. The delivery of family planning services by duly authorized persons in all agencies and instrumentalities of this State is consistent with public policy;
3. Refusal. Nothing in this chapter shall inhibit a physician from refusing to furnish family planning services when such refusal is for medical reasons;
4. Objections. No private institution or physician or no agent or employee of such institution or physician shall be prohibited from refusing to provide family planning services when such refusal is based upon religious or conscientious objection.

§ 1904. Rules and regulations

The Commissioner of Health and Welfare is authorized and directed to adopt rules and regulations and establish programs to enable the Department of Health and Welfare, either directly or under contractual arrangements with other organizations, to promptly implement this chapter.

§ 1905. Funds

The Department of Health and Welfare is authorized to receive and disburse such funds as may be available to it for family planning services to any nonprofit organization, public or private, engaged in providing such services. Family planning programs administered by the Department of Health and Welfare may be developed in consultation, coordination or on a contractual basis, with other family planning agencies in this State, including, but not limited to, the Family Planning Association of Maine, Inc., and its affiliates.

§ 1906. Availability

To the extent family planning funds are available, the Department of Health and Welfare shall provide family planning services to medically indigent persons eligible for such services as determined by rules and regulations promulgated by the Commissioner of Health and Welfare. Family planning services shall also be available to all others who are unable to reasonably obtain these services privately, at a reasonable cost to be determined by the rules and regulations promulgated by the commissioner. Any funds so collected shall be retained by the department for the support of these services.

§ 1907. Refusal

The refusal of any person to accept family planning services shall not affect the right of such person to receive public assistance or public health services or to avail himself of any other public benefit. The employees of agencies engaged in the administration of this chapter shall recognize that the right to make decisions concerning family planning is a fundamental personal right of the individual and nothing in this chapter shall in any way abridge such right nor shall any individual be required to state his reasons for refusing the offer of family planning services.

§ 1908. Minors

Family planning services may be furnished to any minor who is a parent or married or has the consent of his or her legal guardian or who may suffer in the professional judgment of a physician probable health hazards if such services are not provided.

§ 1909. Construction

This chapter shall be construed to protect the rights of all persons to pursue their religious beliefs, to follow the dictates of their own consciences, to prevent imposition upon any person's moral standards and to respect the right of every person to self-determination in respect to family planning.

Sec. 2. Appropriation. There is appropriated to the Department of Health and Welfare from the General Fund the sum of \$145,000 to carry out the purposes of this Act. The breakdown shall be as follows:

1973-74

1974-75

HEALTH AND WELFARE, DEPARTMENT OF

All Other

\$65,000

\$80,000

Effective October 3, 1973

CHAPTER 625

AN ACT to Correct Errors and Inconsistencies in the Public Laws.

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

Whereas, many laws enacted by previous Legislatures have created inconsistencies and technical errors; and

Whereas, such inconsistencies and errors have created uncertainties and confusions in interpreting legislative intent; and

Whereas, it is vitally necessary that such uncertainties be resolved so that injustices to the people of Maine may be avoided; and

Whereas, section 283 of this Act is vitally necessary since the Hospital Administrative District No. 1 in Penobscot County has issued its bonds, substantially completed construction of its hospital and is without sufficient funds or the capacity to borrow such funds in order to enable it to undertake operations; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. R. S., T. 1, § 72, sub-§ 22, amended. Subsection 22 of section 72 of Title 1 of the Revised Statutes is amended to read as follows:

22. State paper. "State paper" means the newspaper designated by the Legislature, in which ~~public Acts, resolves~~ advertisements and notices are required to be published.

Sec. 2. R. S., T. 1, § 351, amended. Section 351 of Title 1 of the Revised Statutes is amended to read as follows:

§ 351. Effective date

Unless otherwise provided in the ~~resolve~~ resolution submitting it, every constitutional amendment shall take effect and become part of the Constitution, on the first Wednesday of January following its adoption by the people.