

# 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 FOURTEENTH LEGISLATURE  
**FIRST REGULAR SESSION**

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
SEPTEMBER 30, 1989

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  
1989

---

**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FOURTEENTH LEGISLATURE**

**1989**

---

## CHAPTER 74

S.P. 190 - L.D. 417

## An Act to Amend the Medical Health Security Act to Include Podiatrists and Dentists

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

Sec. 1. 24 MRSA §2904, as enacted by PL 1977, c. 492, §3, is amended to read:

**§2904. Immunity from civil liability for volunteer activities**

Notwithstanding any inconsistent provision of any public or private and special law, no licensed physician, podiatrist as defined in Title 32, section 3551 or dentist as defined in Title 32, section 1081, who voluntarily, without the expectation or receipt of monetary or other compensation, provides professional services within the scope of ~~his~~ that physician's or podiatrist's licensure to a nonprofit organization or to an agency of the State or to members or recipients of services of that organization or state agency ~~shall~~ may be liable for damages or injuries alleged to have been sustained by the person nor for damages for the death of the person when the injuries or death are alleged to have occurred by reason of an act or omission in the rendering of professional services, unless it is established that the injuries or the death were caused willfully, wantonly, recklessly or by gross negligence of the licensed physician or podiatrist.

Sec. 2. 24 MRSA §2905, sub-§1, as enacted by PL 1977, c. 492, §3, is amended to read:

1. **Disallowance of recovery on grounds of lack of informed consent.** No recovery ~~shall~~ 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 ~~where~~ 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 ~~he~~ that person been advised by the physician, podiatrist or dentist in accordance with paragraphs A and B or this paragraph.

See title page for effective date.

## CHAPTER 75

H.P. 396 - L.D. 527

## An Act to Amend and Unify the Residential Energy Efficiency Building Standards

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

**Whereas**, there are now 3 separate standards for energy efficiency in residential housing; and

**Whereas**, the Office of Energy Resources is required to publish a manual of accepted energy efficiency standards; and

**Whereas**, the immediate clarification of energy efficiency standards will allow contractors to understand and comply with energy efficiency standards during the upcoming building season; 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. 10 MRSA §1413, sub-§1, as enacted by PL 1979, c. 503, §2, is amended to read:

1. **ASHRAE 90.** "ASHRAE 90" means the current standard for energy conservation in new building design developed and approved by the American Society of Heating, Refrigeration and Air Conditioning Engineers.

Sec. 2. 10 MRSA §1413, sub-§11, as enacted by PL 1979, c. 503, §2, is amended to read:

11. **Manual of Accepted Practices.** "Manual of Accepted Practices" means the Manual of Accepted Practices prepared by the Office of Energy Resources in conformance with the ~~State of Maine Energy Conservation Building Standards~~ mandatory standards for residential construction as defined in section 1415-C.

Sec. 3. 10 MRSA §1415-A, as amended by PL 1985, c. 481, Pt. A, §19, is repealed.