

MAINE STATE LEGISLATURE

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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

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NON-EMERGENCY LAWS IS
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J.S. McCarthy Company
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PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

any minor may consent to treatment for abuse of alcohol or drugs or for emotional or psychological problems.

§903. Authority

A minor may give consent to all medical, mental, dental and other health counseling and services if the minor:

1. Living separately; independent of parental support. Has been living separately from parents or legal guardians for at least 60 days and is independent of parental support;

2. Married. Is or was legally married;

3. Armed Forces. Is or was a member of the Armed Forces of the United States; or

4. Emancipated. Has been emancipated by the court pursuant to Title 15, section 3506-A.

§904. Good faith reliance on consent

Any health care practitioner or health care provider who takes reasonable steps to ascertain that a minor is authorized to consent to health treatment as authorized in section 903 and who subsequently renders treatment in reliance on that consent shall not be liable for failing to have secured consent of the minor's parent or guardian prior to providing health care services to the minor.

§905. Confidentiality; notification

1. Confidentiality. Except as otherwise provided by law, any minor who may consent to health care services, as provided in this chapter or by other provision of law, shall be entitled to the same confidentiality afforded to adults.

2. Parental notification. A health care practitioner or health care provider may notify the parent or guardian of a minor who has sought health care under this chapter if, in the judgment of the practitioner or provider, failure to inform the parent or guardian would seriously jeopardize the health of the minor or would seriously limit the practitioner's or provider's ability to provide treatment.

§906. Financial responsibility

Unless the parent or guardian expressly agrees to assume full or partial responsibility, any minor who consents to health care services as provided in this chapter shall be responsible for the costs of those services. No minor may be denied benefits or services to which the minor is entitled from a health care practitioner, health care provider, insurer or public agency because the minor has given the consent for those services as provided in this chapter.

See title page for effective date.

CHAPTER 259

S.P. 435 - L.D. 1152

An Act to Amend the Adult Protective Services Act

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

Whereas, changes in the adult protective services law are necessary in order to permit the effective functioning of the State's adult protective services effort; and

Whereas, certified nursing assistants are currently not required to report suspected cases of abuse, neglect or exploitation of an incapacitated adult; and

Whereas, some cases of abuse, neglect or exploitation might go unreported if this Act does not become effective for 90 days; 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. 22 MRSA §3472, sub-§1, as amended by PL 1983, c. 313, §1, is further amended to read:

1. Abuse. "Abuse" means the willful infliction of injury, unreasonable confinement, intimidation or cruel punishment with resulting physical harm or pain or mental anguish; sexual abuse or exploitation; or the willful deprivation of essential needs.

Sec. 2. 22 MRSA §3472, sub-§§2 and 12, as enacted by PL 1981, c. 527, §2, are amended to read:

2. Adult. "Adult" means any person who has attained the age of 18 years or who is a legally emancipated minor.

12. Protective services. "Protective services" means services which will separate incapacitated or dependent adults from danger. Protective services include, but are not limited to, social, medical and psychiatric services necessary to preserve the incapacitated or dependent adult's rights and resources and to maintain the incapacitated or dependent adult's physical and mental well-being.

Protective services may include seeking guardianship or a protective order under Title 18-A, Article 5 V. ~~The department shall classify as protective clients the incapacitated adults who receive protective services.~~

Sec. 3. 22 MRSA §3472, sub-§13, ¶¶A and B, as enacted by PL 1981, c. 527, §2, are amended to read:

A. Serious physical injury or impairment;

B. Serious mental injury or impairment, which now or in the future is likely to be evidenced by serious mental, behavioral or personality disorder, including, but not limited to, severe anxiety, depression or withdrawal, untoward aggressive behavior or similar serious dysfunctional behavior; or

Sec. 4. 22 MRSA §3472, sub-§14, as enacted by PL 1981, c. 527, §2, is repealed.

Sec. 5. 22 MRSA §3472, sub-§15 is enacted to read:

15. Sexual abuse or exploitation. "Sexual abuse or exploitation" means contact or interaction of a sexual nature involving an incapacitated or dependent adult without that adult's consent.

Sec. 6. 22 MRSA §3477, sub-§1, as amended by PL 1983, c. 616, §1, is further amended to read:

1. **Reasonable cause to suspect.** When, while acting in his a professional capacity, an allopathic or osteopathic physician, intern, medical examiner, physician's assistant, dentist, chiropractor, podiatrist, registered or licensed practical nurse, certified nursing assistant, Christian Science practitioner, social worker, psychologist, pharmacist, physical therapist, speech therapist, occupational therapist, mental health professional, law enforcement official, coroner, emergency room personnel, ambulance attendant or emergency medical technician suspects that an adult has been abused, neglected or exploited, and has reasonable cause to suspect that the adult is incapacitated, then the professional shall immediately report or cause a report to be made to the department.

Whenever a person is required to report in his the capacity as a member of the staff of a medical, public or private institution, agency or facility, he the staff person shall immediately notify the person in charge of the institution, agency or facility, or his the designated agent of the person in charge, who shall then cause a report to be made. The staff person shall also make a report directly to the department.

Sec. 7. 22 MRSA §3485, as enacted by PL 1981, c. 527, §2, is amended to read:

§3485. Reporting abuse

Upon finding evidence indicating that a person has abused, or neglected or exploited an incapacitated or dependent adult, resulting in serious harm, or has exploited an incapacitated or dependent adult, the department shall notify the district attorney.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective June 12, 1989.

CHAPTER 260

S.P. 400 - L.D. 1044

An Act to Amend the Notice Requirement of Car Repair Facilities

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

29 MRSA §2605, last ¶, as enacted by PL 1979, c. 698, §2, is repealed and the following enacted in its place:

"We may also charge for our repair services either by the flat rate or "menu price" method. Ask our service advisor to explain what method will be used in charging you and to show you how much it may cost you."

See title page for effective date.

CHAPTER 261

H.P. 702 - L.D. 963

An Act to Clarify Motor Vehicle Dealership Insurance Coverage Laws

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

Sec. 1. 24-A MRSA §2909 is enacted to read:

§2909. Insurance for dealers and transporters

1. As used in this section, "owner" means the owner of a motor vehicle, the owner's agent, employee or independent contractor.

2. The superintendent shall not approve any policy required pursuant to Title 29, section 832, unless coverage is provided for both the owner and operator of the motor vehicle.

3. The owner's policy must provide primary coverage up to the limits specified in Title 29, section 832. Any other valid and collectible insurance policy available to an operator who is not the owner must provide excess coverage.

Sec. 2. 29 MRSA §832, 2nd ¶, as amended by PL 1973, c. 585, §12, is repealed.

See title page for effective date.

CHAPTER 262

S.P. 310 - L.D. 815

An Act Regarding High-speed Chases