

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

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
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PUBLIC LAWS
OF THE
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1989

which provides information to an emergency medical services quality assurance committee approved by the board shall be protected by the provisions of section 93 as though that assistance of information were provided to the board itself.

See title page for effective date.

CHAPTER 289

H.P. 274 - L.D. 386

An Act Concerning the Operation of Motor Vehicles on Private Lands

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

17 MRSA §3853-D is enacted to read:

§3853-D. Operating a motor vehicle on land of another

1. Damage or destruction to farmland. A person who, as a result of operating a motor vehicle on farmland, damages or destroys crops or roads on that farmland, commits a Class E crime.

2. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Farmland" means land used for the production of fruits, vegetables, grains, hay or herbs that consists of 5 or more contiguous acres. The term "farmland" does not include land used for the production of wood products.

B. "Motor vehicle" means any self-propelled vehicle not operated exclusively on tracks, including all-terrain vehicles as defined in Title 12, section 7851, but not including snowmobiles.

3. Application. This section does not apply to:

A. A landowner operating a motor vehicle on farmland owned by that landowner;

B. A person given permission by a landowner to operate a motor vehicle on farmland owned by that landowner;

C. An agent or employee of a landowner who operates a motor vehicle on farmland owned by that landowner in the scope of that agent's or employee's agency or employment; or

D. A law enforcement officer who, in an emergency and in the scope of that law enforcement officer's employment, operates a motor vehicle on farmland owned by another.

See title page for effective date.

CHAPTER 290

S.P. 172 - L.D. 329

An Act to Insure Maintenance of Financial Responsibility by All Motorists

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

29 MRSA §780, sub-§4, as enacted by PL 1987, c. 341, §§3 and 7, is amended to read:

4. Dismissal. If any person charged with a violation of this section exhibits to a law enforcement officer designated by the issuing officer evidence of insurance or financial responsibility which was in effect at the time of violation no later than 24 hours before the time set for the court appearance, the proceeding for violation of this section shall be dismissed.

See title page for effective date.

CHAPTER 291

H.P. 219 - L.D. 299

An Act Pertaining to Breast Cancer Treatment

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

Sec. 1. 24 MRSA §2905-A is enacted to read:

§2905-A. Informed consent for breast cancer

1. Duty of physician. Notwithstanding section 2905, a physician who is administering the primary treatment for breast cancer shall inform the patient as provided in this section, orally and in writing, about alternative efficacious methods of treatment of breast cancer, including surgical, radiological or chemotherapeutic treatments or any other generally accepted medical treatment and the advantages, disadvantages and the usual and most frequent risks of each.

2. Written information. The duty to inform the patient in writing may be met by giving the patient a standardized written summary or brochure as described in subsections 3 and 4.

3. Standardized written summary. The standardized written summary may be developed by the Bureau of Health after consultation with the Cancer Advisory Committee.

4. Brochure. The brochure must be one which is approved or made available through the National Cancer Institute, the American Cancer Society, the American College of Surgeons or any other recognized professional organization approved by the Bureau of Health.

5. Signed form. A form, signed by the patient, indicating that the patient has been given the oral information required by this section and a copy of the brochure or the standardized written summary shall be included in the patient's medical record.

6. Extent of duty. A physician's duty to inform a patient under this section does not require disclosure of information beyond what a reasonably well-qualified physician licensed under Title 32 would know.

7. Actions barred. A patient who signs a form described in subsection 5 is barred from bringing a civil action against the physician, based on failure to obtain informed consent, but only in regard to information pertaining to alternative forms of treatment of breast cancer and the advantages, disadvantages, and risks of each method.

8. Application of this section to common law rights. Nothing in this section restricts or limits the rights of a patient under common law.

Sec. 2. 32 MRSA §2591-A, sub-§2, ¶¶K and L, as enacted by PL 1983, c. 378, §38, are amended to read:

K. The revocation, suspension or denial of the individual's license in any other state or territory of the United States or any foreign country; ~~or~~

L. Division of professional fees not based on actual services rendered; ~~;~~ or

Sec. 3. 32 MRSA §2591-A, sub-§2, ¶M is enacted to read:

M. Failure to comply with the requirements of Title 24, section 2905-A.

Sec. 4. 32 MRSA §3282-A, sub-§2, ¶¶J and K, as enacted by PL 1983, c. 378, §53, are amended to read:

J. Prescribing narcotic or hypnotic or other drugs listed as controlled substances by the Drug Enforcement Administration for other than accepted therapeutic purposes; ~~or~~

K. Failure to report to the secretary of the board a physician licensed under this chapter for addiction to alcohol or drugs or for mental illness in accordance with Title 24, section 2505, except when the impaired physician is or has been a patient of the licensee; ~~;~~ or

Sec. 5. 32 MRSA §3282-A, sub-§2, ¶L is enacted to read:

L. Failure to comply with the requirements of Title 24, section 2905-A.

See title page for effective date.

CHAPTER 292

H.P. 202 - L.D. 282

An Act to Modify the Statute of Limitations in Sexual Abuse of Minors Cases

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

14 MRSA §752-C, as enacted by PL 1985, c. 343, §1, is amended to read:

§752-C. Sexual acts towards minors

Actions based upon sexual intercourse or a sexual act, as defined in Title 17-A, chapter 11, with a person under the age of majority shall be commenced within 6 years after the cause of action accrues, or within 3 years of the time the person discovers or reasonably should have discovered the harm, whichever occurs later.

See title page for effective date.

CHAPTER 293

H.P. 95 - L.D. 130

An Act to Strengthen Penalties for Furnishing Liquor to Minors

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

Sec. 1. 28-A MRSA §2081, sub-§1, ¶A, as amended by PL 1987, c. 342, §124, is further amended to read:

A. Procure, or in any way aid or assist in procuring, furnish, give or deliver liquor for or to a minor ~~or visibly intoxicated person;~~ ~~or~~

Sec. 2. 28-A MRSA §2081, sub-§1, ¶B, as amended by PL 1987, c. 576, is further amended to read:

B. Allow any minor under ~~his~~ that person's control, or in any place under ~~his~~ that person's control, to consume liquor; ~~;~~ or

Sec. 3. 28-A MRSA §2081, sub-§1, ¶C is enacted to read:

C. Procure, or in any way aid or assist in procuring, furnish, give or deliver liquor to a visibly intoxicated person.

Sec. 4. 28-A MRSA §2081, sub-§3, as enacted by PL 1987, c. 45, Pt. A, §4, is repealed and the following enacted in its place:

3. Penalties. Any person who violates subsection 1, paragraph A or B, commits a Class D crime. Any person who