

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
OCTOBER 9, 1991

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
1991

PUBLIC LAWS
OF THE
STATE OF MAINE

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ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

are carried forward from year to year to be expended for the same purposes.

EXECUTIVE DEPARTMENT	
TOTAL	<u>\$25,000</u>
TOTAL APPROPRIATIONS	<u>\$0</u>

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

Effective May 15, 1991.

CHAPTER 140

H.P. 395 - L.D. 569

An Act to Amend the Composition of the Board of Trustees of the Maine Technical College System

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

Sec. 1. 20-A MRSA §12705, first ¶, as enacted by PL 1985, c. 695, §11, is amended to read:

The board of trustees ~~shall be~~ is the policy-making authority of the system.

Sec. 2. 20-A MRSA §12705, sub-§1, as amended by PL 1991, c. 20, §1, is further amended to read:

1. Membership. The board of trustees consists of 10 appointed voting members and 3 ex officio, voting members as follows:

- ~~A. One from the State Board of Education;~~
- ~~B. One from the Board of Trustees of the University of Maine System;~~
- C. ~~Seven~~ Nine from the field of business and industry, the field of labor, the field of education and the general public;
- D. The Commissioner of Education, or the commissioner's successor, who ~~shall serve~~ serves ex officio;
- E. The Commissioner of Economic and Community Development, or the commissioner's successor, who ~~shall serve~~ serves ex officio;
- F. The Commissioner of Labor, or the commissioner's successor, who ~~shall serve~~ serves ex officio; and
- G. One member who is from the student body of one of the technical college campuses at the time of appointment and who is a permanent resident of the

State. To be eligible for appointment as a student member, a student must be enrolled for a minimum of 12 credit hours per semester.

The student member is a full voting member of the board of trustees and ~~shall serve~~ serves for a 2-year term and until a successor is qualified. By January 1st of every 2nd year, the president of the system shall solicit a list of 5 eligible students from the student governments from 5 of the campuses within the Maine Technical College System; the 6th campus being excluded in accordance with this subsection. The Governor shall then nominate a student trustee chosen from the list within 30 days of receiving the list of names. The nomination is subject to review by the joint standing committee of the Legislature having jurisdiction over education matters and to confirmation by the Legislature. The student trustee may not come from the same campus in any 2 consecutive terms. In the event that the student trustee transfers from one campus to another during the student's term of appointment, the student's original campus of enrollment is the campus excluded when the next student trustee is appointed.

Sec. 3. 20-A MRSA §12705, sub-§2, as enacted by PL 1985, c. 695, §11, is amended to read:

2. Appointment; terms. Members of the board of trustees ~~shall be~~ are appointed by the Governor to 4-year terms of office, subject to review by the joint standing committee of the Legislature having jurisdiction over education and to confirmation by the Legislature. In appointing members to the board, the Governor shall give proper consideration to achieving statewide geographical representation and gender equity. No classified or unclassified employee of the State or person who holds elected state office may serve on the board of trustees, with the exception of the ex officio members.

Sec. 4. Transition. The members of the State Board of Education and the Board of Trustees of the University of Maine System serving on the Board of Trustees of the Maine Technical College System on the effective date of this Act may serve the remainder of their terms. When their terms expire, sections 2 and 3 of this Act apply.

See title page for effective date.

CHAPTER 141

S.P. 112 - L.D. 209

An Act to Amend the Maine Uniform Transfers to Minors Act to Permit the Holding of Custodial Property Registered under a Street or Nominee Name

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

33 MRSA §1660, sub-§1, ¶B, as enacted by PL 1987, c. 734, §2, is amended to read:

B. Money is paid or delivered or a security held in the name of a broker, financial institution or its nominee is transferred to a broker or financial institution for credit to an account in the name of the transferor, an adult other than the transferor or a trust company, followed in substance by the words "as custodian for.....(name of minor) under the Maine Uniform Transfers to Minors Act;"

See title page for effective date.

CHAPTER 142

H.P. 298 - L.D. 419

An Act Concerning Requests for Treatment Records

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

Sec. 1. 22 MRSA §1711-A, as enacted by PL 1989, c. 666, is amended to read:

§1711-A. Fees charged for records

Whenever a health care practitioner defined in ~~Title 24, section 2502, subsection 1-A~~ section 1711-B furnishes requested copies of a patient's medical record or a medical report to the patient, the charge for the copies or the report may not exceed the reasonable costs incurred by the health care practitioner in making and providing the copies or the report.

Sec. 2. 22 MRSA §1711-B is enacted to read:

§1711-B. Patient access to treatment records; health care practitioners

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

A. "Health care practitioner" has the same meaning as in Title 24, section 2502. "Health care practitioner" also includes "licensed clinical social workers" as defined in Title 32, chapter 83 and "marriage and family therapists" and "professional counselors" as defined in Title 32, chapter 119.

B. "Treatment records" means all records relating to a patient's diagnosis and treatment, including x rays, performed by a health care practitioner.

2. Access. Upon written consent of the person to whom copies of records must be released pursuant to this

section, a health care practitioner shall release copies of all treatment records of a patient or a narrative containing all relevant information in the treatment records. The health care practitioner may exclude from the copies of treatment records released any personal notes that are not directly related to the patient's past or future treatment. The copies or narrative must be released to the designated person within a reasonable time.

If the practitioner believes that release of the records is detrimental to the health of the patient, the practitioner shall advise the patient that copies of the treatment records or a narrative containing all relevant information in the treatment records will be made available to the patient's authorized representative upon presentation of a written authorization signed by the patient. The copies or narrative must be released to the authorized representative within a reasonable time.

3. Person receiving the records. Except as otherwise provided in this section, the copies or narrative specified in subsection 2 must be released to:

A. The person who is the subject of the treatment record, if that person is 18 years of age or older and mentally competent;

B. The parent, guardian ad litem or legal guardian of the person who is the subject of the record if the person is a minor, or the legal guardian if the person who is the subject of the record is mentally incompetent; or

C. The designee of a durable medical power of attorney, if the person who is the subject of the record is incompetent and executed such an instrument.

4. Minors. This section does not affect the right of minors to have their treatment records treated confidentially pursuant to the provisions of Title 19, chapter 18.

5. HIV test. Release of information regarding the HIV infection status of a patient is governed by Title 5, section 19203-D.

6. Hospital records. Release of treatment records in a hospital is governed by the provisions of Title 22, section 1711.

7. Retention of records. This section does not alter the existing law or ethical obligations of a health care practitioner with respect to retaining treatment records.

8. Violation. A person who willfully violates this section commits a civil violation for which a forfeiture of not more than \$25 may be adjudged. Each day that the treatment records or narrative is not released after the reasonable time specified in subsection 2 constitutes a separate violation, up to a maximum forfeiture of \$100.

See title page for effective date.
