

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
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PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

CHAPTER 441

S.P. 944 - L.D. 1366

An Act to Amend the Uniform Rights of the Terminally Ill Act

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

Sec. 1. 18-A MRSA §5-701, as enacted by PL 1989, c. 830, §1, is repealed and the following enacted in its place:

§5-701. Short title and definitions

(a) This Part may be cited as the "Uniform Rights of the Terminally Ill Act" and must be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this Part among states enacting this Act.

(b) As used in this Part, unless the context otherwise indicates, the following terms have the following meanings.

(1) "Attending physician" means the physician who has primary responsibility for the treatment and care of the patient.

(2) "Declaration" means a writing executed in accordance with the requirements of section 5-702, subsection (a).

(3) "Health-care provider" means a person who is licensed, certified or otherwise authorized by the law of this State to administer health care in the ordinary course of business or practice of a profession.

(4) "Life-sustaining treatment" means any medical procedure or intervention that, when administered to a qualified patient, will serve only to prolong the process of dying. "Life-sustaining treatment" may include artificially administered nutrition and hydration, which is the provision of nutrients and liquids through the use of tubes, intravenous procedures or similar medical interventions.

(5) "Person" means an individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

(6) "Physician" means an individual licensed as a physician under Title 32, chapter 48 or an osteopathic physician under Title 32, chapter 36.

(7) "Qualified patient" means a patient 18 or more years of age who has executed a declaration and who has been determined by the attending physician to be in a terminal condition or a persistent vegetative state.

(8) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or insular possession subject to the jurisdiction of the United States.

(9) "Terminal condition" means an incurable and irreversible condition that, without the administration of life-sustaining treatment, will, in the opinion of the attending physician, result in death within a relatively short time.

(10) "Persistent vegetative state" means a state that occurs after coma in which the individual totally lacks higher cortical and cognitive function, but maintains vegetative brainstem processes, with no realistic possibility of recovery, as diagnosed in accordance with accepted medical standards. Vegetative brainstem processes may include one or more of the following: cycles of sleeping and waking, spontaneous eye opening and movements, some motor activity, vocalization, blood pressure, respiration and heart beat.

Sec. 2. 18-A MRSA §5-702, sub-§§(b) and (c), as amended by PL 1991, c. 191, are repealed and the following enacted in their place:

(b) A declaration directing a physician to withhold or withdraw life-sustaining treatment may, but need not, be in the following form.

DECLARATION

If I am determined by my attending physician to be in a terminal condition or a persistent vegetative state, and I am no longer able to make or communicate decisions regarding my medical treatment, then I direct my attending physician to withhold or withdraw all life-sustaining treatment that is not necessary for my comfort or to alleviate pain.

Optional: If I am in a terminal condition or a persistent vegetative state, I want to receive nutrients and liquids provided through the use of tubes, intravenous procedures or similar medical interventions, even though other life-sustaining treatment is withheld or withdrawn.

Signature

NOTE: This optional provision must be signed to be effective. Otherwise, artificially administered nutrition and hydration may be withheld or withdrawn.

Signed this day of,

Signature

Address

Date of birth or social security number

The declarant voluntarily signed this writing in my presence.

Witness
Address

Witness
Address

NOTE: Maine law (18-A MRSA §5-701) contains the following definitions of terms used in this declaration.

“Life-sustaining treatment” means any medical procedure or intervention that, when administered to a qualified patient, will serve only to prolong the process of dying. “Life-sustaining treatment” may include artificially administered nutrition and hydration, which is the provision of nutrients and liquids through the use of tubes, intravenous procedures or similar medical interventions.

“Terminal condition” means an incurable and irreversible condition that, without the administration of life-sustaining treatment, will, in the opinion of the attending physician, result in death within a relatively short time.

“Persistent vegetative state” means a state that occurs after coma in which the individual totally lacks higher cortical and cognitive function, but maintains vegetative brainstem processes, with no realistic possibility of recovery, as diagnosed in accordance with accepted medical standards. Vegetative brainstem processes may include one or more of the following: cycles of sleeping and waking, spontaneous eye opening and movements, some motor activity, vocalization, blood pressure, respiration and heart beat.

If you have questions about the meaning of this form, you are encouraged to seek the advice of a doctor or lawyer.

(c) A declaration that designates another individual to make decisions governing the withholding or withdrawal of life-sustaining treatment may, but need not, be in the following form.

DECLARATION

If I am determined by my attending physician to be in a terminal condition or a persistent vegetative state, and I am no longer able to make or communicate decisions regarding my medical treatment, then I appoint or if he or she is not reasonably available or is unwilling to serve, then to make decisions on my behalf regarding the withholding or withdrawal of life-sustaining treatment that is not necessary for my comfort or to alleviate pain.

Optional: If no individual I have so appointed is reasonably available and willing to serve, I direct my attending physician to withhold or withdraw life-sustaining treatment that is not necessary for my comfort or to alleviate pain.

Signature

NOTE: This optional provision must be signed to be effective.

Optional: If I am in a terminal condition or a persistent vegetative state, I want to receive nutrients and liquids provided through the use of tubes, intravenous procedures or similar medical interventions, even though other life-sustaining treatment is withheld or withdrawn.

Signature

NOTE: This optional provision must be signed to be effective. Otherwise, artificially administered nutrition and hydration may be withheld or withdrawn.

Signed this day of,

Signature

Address

Date of birth or social security number

The declarant voluntarily signed this writing in my presence.

Witness
Address

Witness
Address

Name and address of designees

Name
Address

Name
Address

NOTE: Maine law (18-A MRSA §5-701) contains the following definitions of terms used in this declaration.

“Life-sustaining treatment” means any medical procedure or intervention that, when administered to a qualified patient, will serve only to prolong the process of dying. “Life-sustaining treatment” may include artificially administered nutrition and hydration, which is the provision of nutrients and liquids through

the use of tubes, intravenous procedures or similar medical interventions.

"Terminal condition" means an incurable and irreversible condition that, without the administration of life-sustaining treatment, will, in the opinion of the attending physician, result in death within a relatively short time.

"Persistent vegetative state" means a state that occurs after coma in which the individual totally lacks higher cortical and cognitive function, but maintains vegetative brainstem processes, with no realistic possibility of recovery, as diagnosed in accordance with accepted medical standards. Vegetative brainstem processes may include one or more of the following: cycles of sleeping and waking, spontaneous eye opening and movements, some motor activity, vocalization, blood pressure, respiration and heart beat.

If you have questions about the meaning of this form, you are encouraged to seek the advice of a doctor or lawyer.

Sec. 3. 18-A MRSA §5-707, sub-§(a), ¶(1), as enacted by PL 1989, c. 830, §1, is amended to read:

(1) Has been determined by the attending physician to be in a terminal condition or a persistent vegetative state and no longer able to make or communicate decisions regarding administration of life-sustaining treatment; and

See title page for effective date.

CHAPTER 442

S.P. 596 - L.D. 1581

An Act to Improve the Administration of the Engineering Registration Laws

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

Sec. 1. 32 MRSA §1255, first ¶ is amended to read:

The following persons ~~shall be~~ are exempt from this chapter:

Sec. 2. 32 MRSA §1255, sub-§1 is amended to read:

1. Limited practice by nonresident. A person not a resident of and not having ~~no~~ established a place of business in this State, practicing or offering to practice ~~herein~~ the profession of engineering when such practice does not exceed ~~in the aggregate~~ more than 30 consecu-

five days in any calendar year, provided such person is legally qualified by registration to practice the ~~said~~ profession in ~~his~~ that person's own state or county in which the requirements and qualifications for obtaining a certificate of registration are not lower than those specified in this chapter.

Sec. 3. 32 MRSA §1301, first ¶, as amended by PL 1989, c. 503, Pt. B, §126, is further amended to read:

The State Board of Registration for Professional Engineers, as established by Title 5, section 12004-A, subsection 16, ~~shall administer~~ administers this chapter. The board ~~shall consist~~ consists of 6 members appointed by the Governor, of which 5 ~~shall~~ must be professional engineers who have the qualifications required by section 1302 and one ~~shall~~ must be a representative of the public. To the extent that qualified nominees are available, appointment of nonpublic members are made to ensure that a variety of engineering disciplines are represented. Nominees for appointment may be recommended to the Governor by representative engineering societies in the State.

Sec. 4. 32 MRSA §1309, as amended by PL 1981, c. 698, §158, is further amended to read:

§1309. Roster of registered engineers and engineers-in-training

A roster showing the names ~~and places of business~~ of all active registered professional engineers and engineers-in-training ~~shall be~~ is prepared by the secretary of the board during the first calendar quarter of each even-numbered year. A supplementary roster of newly registered professional engineers and newly certified engineers-in-training ~~shall be~~ is prepared by the secretary of the board during the first calendar quarter of each odd-numbered year. The rosters must give the place of business of each listed registered engineer and the date of expiration of the certificate of each listed engineer-in-training. Copies of the roster and of the supplementary roster ~~shall be~~ are mailed to each ~~person~~ active engineer listed ~~therein~~ on the roster and furnished to the public upon request for such fees as the board may authorize in its rules.

Sec. 5. 32 MRSA §1352, sub-§1, ¶D is amended to read:

D. An applicant with an experience record of at least 15 years of lawful practice in engineering work, of which at least 10 years have been in responsible jobs or important engineering work, and of a grade and character which indicates to the board that the applicant may be competent to practice engineering, and who has passed an oral examination conducted by the State Board of Registration for Professional Engineers or an 8-hour written examination in the prin-