

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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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
1999

practice for the public is exempt from the licensee fee requirement. Appropriate rules ~~shall~~ must be adopted by the department defining the appropriate financial procedure. The fees ~~shall be~~ are paid to the Treasurer of State to be maintained as a permanent fund and used by the department for carrying out its plumbing and subsurface ~~waste water~~ wastewater disposal rules and site evaluation program.

See title page for effective date.

CHAPTER 87

H.P. 325 - L.D. 441

An Act to Excuse Elections Staff from Jury Duty When Needed to Perform Election Functions

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

Sec. 1. 14 MRSA §1213, as repealed and replaced by PL 1981, c. 705, Pt. G, §6, is repealed and the following enacted in its place:

§1213. Excuses from jury service

1. Determination. Upon request of a prospective juror, the presiding justice or the clerk of court acting under the supervision of the presiding justice shall determine whether the prospective juror is excused from jury service. The determination must be made on the basis of information provided on the juror qualification form, supplemented by other competent evidence when considered necessary to the determination.

2. Basis for excuse. A qualified prospective juror may be excused from jury service only upon a showing of undue hardship, extreme inconvenience, public necessity or inability to render satisfactory jury service because of physical or mental disability.

A. A person claiming to be excused on the grounds of disability may be required to submit a physician's certificate or accredited Christian Science practitioner's certificate. The certifying physician or Christian Science practitioner is subject to inquiry by the court at its discretion.

B. Municipal election officials, as defined in Title 21-A, section 1, subsection 14, are excused from serving on a jury on the day of an election. State election officials and municipal clerks and registrars and their employees are excused from serving on a jury for 31 days prior to an election.

3. Extent of excuse; record. Depending upon the circumstances, a juror may be finally excused from

jury service, be required to serve at a later specific time or be required to serve for a period of time less than the usual 15 court days. The clerk shall enter the determination regarding the requested excuse and the reason for the determination in the appropriate record kept for that purpose.

See title page for effective date.

CHAPTER 88

S.P. 313 - L.D. 947

An Act to Clarify Certain Liens

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

Sec. 1. 10 MRSA §3802, as amended by PL 1991, c. 225, is repealed and the following enacted in its place:

§3802. Filing in office of Secretary of State; inaccuracy does not invalidate lien

1. Filing. A lien described in section 3801 is dissolved unless the claimant files the following documents in the office of the Secretary of State within 90 days after providing the labor, storage or materials:

A. A financing statement in the form approved by the Secretary of State; and

B. A notarized statement that includes an accurate description of the property manufactured or repaired; the name of the owner, if known; and the amount due the claimant for the labor, materials or storage, with any amount paid on account.

2. Fees. The fee for filing a lien under this section is the same as under Title 11, section 9-403, subsection (5).

3. Inaccuracy. An inaccuracy in the notarized statement does not invalidate the proceedings unless it appears that the claimant willfully overstated the amount due.

See title page for effective date.

CHAPTER 89

H.P. 667 - L.D. 923

An Act to Extend the Penobscot County Budget Committee

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. 30-A MRSA §900-J, as enacted by PL 1995, c. 682, §1, is amended to read:

§900-J. Repeal

This article is repealed December 31, ~~1999~~ 2003.

See title page for effective date.

CHAPTER 90

H.P. 492 - L.D. 699

An Act Concerning Minors' Consent for Services

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

Sec. 1. 22 MRSA §1507 is enacted to read:

§1507. Consent for sexual assault forensic examination

Notwithstanding the limitations set forth in section 1503, a minor may consent to health services associated with a sexual assault forensic examination to collect evidence after an alleged sexual assault.

Sec. 2. 22 MRSA §1823, as amended by PL 1979, c. 663, §134, is further amended to read:

§1823. Treatment of minors

Any hospital licensed under this chapter or alcohol or drug treatment facility licensed pursuant to section 7801 ~~which that~~ provides facilities to a minor in connection with the treatment of that minor for venereal disease or abuse of drugs or alcohol or for the collection of sexual assault evidence through a sexual assault forensic examination is under no obligation to obtain the consent of that minor's parent or guardian or to inform that parent or guardian of the provision of such facilities so long as such facilities have been provided at the direction of the person or persons referred to in Title 32, sections 2595, 3292, 3817, 6221 or 7004. ~~Such~~ The hospital shall notify and

obtain the consent of that minor's parent or guardian if that hospitalization continues for more than 16 hours.

Sec. 3. 32 MRSA §2595, as amended by PL 1993, c. 600, Pt. A, §188, is further amended to read:

§2595. Treatment of minors

An individual licensed under this chapter who renders medical care to a minor for treatment of venereal disease or abuse of drugs or alcohol or for the collection of sexual assault evidence through a sexual assault forensic examination is under no obligation to obtain the consent of the minor's parent or guardian or to inform the parent or guardian of the treatment. Nothing in this section may be construed so as to prohibit the licensed individual rendering the treatment from informing the parent or guardian. For purposes of this section, "abuse of drugs" means the use of drugs solely to induce a stimulant, depressant or hallucinogenic effect upon the higher functions of the central nervous system and not as a therapeutic agent recommended by a practitioner in the course of medical treatment.

Sec. 4. 32 MRSA §3292, as amended by PL 1993, c. 600, Pt. A, §221, is further amended to read:

§3292. Treatment of minors

An individual licensed under this chapter who renders medical care to a minor for treatment of venereal disease or abuse of drugs or alcohol or for the collection of sexual assault evidence through a sexual assault forensic examination is under no obligation to obtain the consent of the minor's parent or guardian or to inform the parent or guardian of the treatment. This section may not be construed to prohibit the licensed individual rendering the treatment from informing the parent or guardian. For purposes of this section, "abuse of drugs" means the use of drugs solely for their stimulant, depressant or hallucinogenic effect upon the higher functions of the central nervous system and not as a therapeutic agent recommended by a practitioner in the course of medical treatment.

See title page for effective date.

CHAPTER 91

H.P. 305 - L.D. 421

An Act to Amend the Membership of the State Board of Funeral Service

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