

# 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**  
**SEPTEMBER 18, 1999**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1999**

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This article is repealed December 31, ~~1999~~ 2003.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

**Sec. 1. 32 MRSA §1451, first ¶**, as amended by PL 1993, c. 600, Pt. A, §105, is further amended to read:

The State Board of Funeral Service, as established by Title 5, section 12004-A, subsection 18, and in this chapter called the "board," consists of 8 members, ~~6~~ 5 of whom must be persons licensed for the practice of funeral service for 10 consecutive years or who have had 10 consecutive years' experience as a practitioner of funeral service in this State immediately preceding their appointment and ~~2~~ 3 of whom must be representatives of the public. Members are appointed by the Governor for a term of 4 years. A national organization of retired persons may submit a list of applicants to the Governor for use in the selection process of one of the members representing the public. Appointments of members must comply with section 60. A board member may be removed by the Governor for cause.

**Sec. 2. Effective date.** This Act takes effect January 1, 2000.

Effective January 1, 2000.

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**CHAPTER 92**

**S.P. 233 - L.D. 655**

**An Act to Increase the Penalty for Failure to Yield the Right-of-way to a Visually Impaired Pedestrian**

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

**Sec. 1. 29-A MRSA §2056, sub-§9** is enacted to read:

**9. Failure to yield right-of-way to a visually impaired pedestrian.** Notwithstanding other provisions of this section, an operator who fails to yield the right-of-way to a visually impaired pedestrian who is carrying a cane that is predominately white or metallic in color, with or without a red tip, or using a guide or personal care dog as defined in Title 17, section 1312, commits a traffic infraction. Notwithstanding section 103, subsection 3, the fine for a violation of this subsection may not be less than \$50 nor more than \$1,000.

See title page for effective date.

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**CHAPTER 93**

**H.P. 461 - L.D. 624**

**An Act to Require Public Hearings for School Administrative District Referenda**

**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. 20-A MRSA §1352, sub-§1, ¶C**, as amended by PL 1989, c. 414, §5, is further amended to read:

C. The warrants and other notices for the referendum ~~shall~~ must be in the same manner as provided in Title 21-A, except that the district board of directors shall hold a public hearing at least 7 days before the referendum vote. At least 7 days before the public hearing, the board of directors shall give notice of the public hearing by having a copy of the proposed referendum, together with the time and place of hearing, posted in the same manner required for posting a warrant under this section.

See title page for effective date.

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**CHAPTER 94**

**H.P. 651 - L.D. 901**

**An Act to Amend the Laws Regarding the Scallop Fishing Season and Scallop Fishing Gear Requirements**

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

**Sec. 1. 12 MRSA §6722**, as amended by PL 1983, c. 685, is further amended to read:

**§6722. Closed areas**

Unless modified by regulation adopted under section 6171-A, it is unlawful to fish for or take scallops in the coastal waters from April 16th to ~~October 31st~~ November 30th, both days inclusive.