

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 13, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 13, 2003

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

Penmor Lithographers
Lewiston, Maine
2003

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

Sec. 1. 22 MRSA §2842, sub-§2, as amended by PL 2001, c. 574, §26, is further amended to read:

2. Medical certificate by physician. The medical certification of the cause of death must be completed in typewritten or ~~handwritten-block~~ legibly hand-printed style and signed in a timely fashion by a physician authorized to practice in the State who has knowledge of the patient's recent medical condition, in accordance with department regulations and other laws detailing who can certify and in what time frame, except when the death falls under the jurisdiction of the medical examiner as provided in section 3025. If the patient was a resident of a nursing home licensed under section 1817 at the time of death and if the physician in charge of the patient's care or another physician designated by the physician in charge had not examined the patient within 48 hours prior to death, or within 2 weeks prior to death in the case of a terminally ill patient, the physician in charge or another physician designated by the physician in charge shall examine the body prior to completing the certification of death process. Any physician who fails to complete the medical certification of the cause of death fully, in typewritten or ~~handwritten-block~~ legibly hand-printed style and in a timely manner, or who fails to examine the body of a nursing home resident prior to certifying cause of death as required by this section must be reported to the Board of Licensure in Medicine or the Board of Osteopathic Licensure, whichever is appropriate, by the State Registrar of Vital Statistics of the Department of Human Services.

For the purposes of this subsection, the following terms have the following meanings.

A. "Life-sustaining procedure" means any medical procedure or intervention that, when administered to a qualified patient, will serve only to prolong the dying process and does not include nutrition and hydration.

B. "Terminally ill patient" means a patient who has been diagnosed as having an incurable or irreversible condition that, without the administration of life-sustaining procedures, will, in the opinion of the attending physician, result in death within a short time.

Sec. 2. 22 MRSA §2842, sub-§3, as amended by PL 2001, c. 574, §27, is further amended to read:

3. Medical certificate by medical examiner. When a death occurs under circumstances that make it a medical examiner case as defined in section 3025, or

when inquiry as to the cause of death is required by law, the medical examiner shall complete in typewritten or ~~handwritten-block~~ legibly hand-printed style the medical certification of the cause of death and sign the death certificate. A certification need not be completed before the remains are ready for release.

The medical examiner is responsible for the identity of the deceased and the time, date, place, cause, manner and circumstances of death on the death certificate. Entries may be left "pending" if further study is needed; or, at the specific direction of the Attorney General relative to cases under investigation by the Attorney General's office, entries must be left "withheld" until such time as the Attorney General, in the Attorney General's sole discretion, determines that any criminal investigation and prosecution will not be harmed by public disclosure of such information. Notwithstanding section 2706, subsection 4, unless directed otherwise by the Attorney General as specified in this subsection, this information for which the medical examiner is responsible may be made available to the general public by the Office of Chief Medical Examiner.

Sec. 3. 22 MRSA §2845, as amended by PL 2001, c. 574, §30, is further amended to read:

§2845. Certificate of death typewritten or hand printed

Any death certificate required to be filed by this chapter must be typewritten or ~~handwritten in block type~~ legibly hand printed prior to such filing.

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

Effective April 25, 2003.

CHAPTER 75

H.P. 461 - L.D. 631

**An Act Concerning the Status of the
Maine County Commissioners'
Association and the Maine Sheriffs'
Association as County Advisory
Organizations**

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

Sec. 1. 30-A MRSA §909 is enacted to read:

§909. County advisory organizations

A county may raise or appropriate money to obtain the services of advisory organizations. The

Legislature recognizes the Maine County Commissioners' Association and the Maine Sheriffs' Association as nonprofit advisory organizations and declares these associations to be instrumentalities of their member counties with their assets upon their dissolution to be delivered to the Treasurer of State to be held in custody for the counties of the State. An advisory organization may receive federal grants or contributions for their activities with respect to the solution of county problems.

Sec. 2. 30-A MRSA §5722, sub-§9, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6, c. 9, §2 and c. 104, Pt. C, §§8 and 10, is further amended to read:

9. Advisory organizations. Obtain the services of municipal advisory organizations. The Legislature recognizes the Maine Municipal Association as a nonprofit advisory organization and declares it to be an instrumentality of its member municipal and quasi-municipal corporations with its assets upon its dissolution to be delivered to the ~~Secretary~~ Treasurer of State to be held in custody for the municipalities of the State. A municipal advisory organization may receive federal grants or contributions for its activities with respect to the solution of local problems; and

Sec. 3. 30-A MRSA §5724, sub-§9, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6, c. 9, §2 and c. 104, Pt. C, §§8 and 10, is further amended to read:

9. Advisory organizations. Obtain the services of educational advisory organizations. The Legislature recognizes the Maine School Management Association and the Maine School Boards Association as nonprofit advisory organizations and declares these associations to be instrumentalities of their member school administrative units, municipal and quasi-municipal corporations with their assets upon their dissolution to be delivered to the ~~Secretary~~ Treasurer of State to be held in custody for the municipalities of the State. An educational advisory organization may receive federal grants or contributions for their activities with respect to the solution of local problems.

A municipality may provide health or remedial services to nonpublic school pupils as authorized by this section only if those services are available to pupils attending the public school serving the municipality.

Health and remedial services and instructional materials and equipment provided for the benefit of nonpublic school pupils under this section and the admission of pupils to the nonpublic schools must be provided without distinction as to race, creed, color, the national origin of the pupils or of their teachers.

No instructional materials or instructional equipment may be loaned to pupils in nonpublic schools or their parents unless similar instructional material or instructional equipment is available for pupils in a public school served by a municipality.

See title page for effective date.

CHAPTER 76

H.P. 76 - L.D. 68

An Act to Extend the Jurisdiction of the Maine Labor Relations Board to Employees of Public Higher Education Institutions Who Have Been Employed Less than Six Months

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

Sec. 1. 26 MRSA §1022, sub-§11, as amended by PL 1989, c. 443, §63, is further amended to read:

11. University, academy or technical college employee. "University, academy or technical college employee" means any regular employee of the University of Maine System, the Maine Maritime Academy or the Maine Technical College System performing services within a campus or unit, except any person:

- A. Appointed to office pursuant to law;
- B. Appointed by the Board of Trustees as a vice-president, dean, director or member of the chancellor's, superintendent's or Maine Technical College System executive director's immediate staff; or
- C. Whose duties necessarily imply a confidential relationship with respect to matters subject to collective bargaining as between such person and the university, the academy or the Maine Technical College System; ~~or~~
- ~~D. Employed in the initial 6 months of employment.~~

Sec. 2. 26 MRSA §1026, sub-§1-A, as repealed and replaced by PL 2001, c. 559, Pt. JJ, §1, is amended to read:

1-A. Additional bargaining; technical college employees. Cost items in any collective bargaining agreement of technical college employees must be submitted for inclusion in the Governor's next operating budget within 10 days after the date on