

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

FIRST REGULAR SESSION
December 1, 2004 to March 30, 2005

FIRST SPECIAL SESSION
April 4, 2005 to June 18, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 17, 2005

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

Penmor Lithographers
Lewiston, Maine
2005

B-3. Being the parent, foster parent, guardian or other person having the care and custody of the child, knowingly deprives the child of necessary health care, with the result that the child is placed in danger of serious harm; or

Sec. 3. 17-A MRSA §557, as amended by PL 1995, c. 110, §2, is further amended to read:

§557. Other defenses

For the purposes of this chapter, a person who in good faith provides treatment for a child or dependent person by spiritual means through prayer ~~alone~~ may not for that reason alone be ~~deemed~~ determined to have knowingly endangered the welfare of that child or dependent person.

Sec. 4. 22 MRSA §4002, sub-§6, ¶B, as enacted by PL 1979, c. 733, §18, is amended to read:

B. Deprivation of adequate food, clothing, shelter, supervision or care, ~~including health care when that deprivation causes a threat of serious harm;~~

Sec. 5. 22 MRSA §4002, sub-§6, ¶B-1 is enacted to read:

B-1. Deprivation of necessary health care when the deprivation places the child in danger of serious harm;

Sec. 6. 22 MRSA §4013, as amended by PL 1983, c. 343, §2, is repealed.

See title page for effective date.

CHAPTER 374

H.P. 918 - L.D. 1320

An Act To Amend the Child and Family Services and Protection Act

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

Sec. 1. 22 MRSA §4003, sub-§3-A is enacted to read:

3-A. Kinship placement. Place children who are taken from the custody of their parents with an adult relative when possible;

See title page for effective date.

CHAPTER 375

S.P. 593 - L.D. 1611

An Act To Clarify That Certain Maine Landowner Liability Protection Laws Apply to Certain Railroad Properties, Railroad Rights-of-way and Utility Corridors

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

Sec. 1. 14 MRSA §159-A, sub-§1, ¶A, as amended by PL 1993, c. 622, §1, is further amended to read:

A. "Premises" means improved and unimproved lands, private ways, roads, any buildings or structures on those lands and waters standing on, flowing through or adjacent to those lands. "Premises" includes railroad property, railroad rights-of-way and utility corridors to which public access is permitted.

See title page for effective date.

CHAPTER 376

S.P. 476 - L.D. 1378

An Act To Amend the Medical Liability Laws Concerning Communications of Sympathy or Benevolence

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

Sec. 1. 24 MRSA §2907 is enacted to read:

§2907. Communications of sympathy or benevolence

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

A. "Relative" means an alleged victim's spouse, parent, grandparent, stepfather, stepmother, child, grandchild, brother, sister, half brother, half sister or spouse's parents. "Relative" includes these relationships that are created as a result of adoption. In addition, "relative" includes any person who has a domestic partner relationship with an alleged victim. As used in this paragraph, "domestic partner" is a person who has registered as a domestic partner pursuant to Title 22, section 2710.