

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 3, 2014 to July 16, 2015**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 15, 2015**

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

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**Augusta, Maine**  
**2015**

C. The obligee's opportunity to contest the suspension by seeking a modification as set forth in subsection 3; and

D. The location where forms for modification proceedings can be obtained.

~~In addition, the department shall include with the notices to the parties blank forms for use in initiating modification actions.~~

**Sec. 5. 19-A MRSA §2652, sub-§6**, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

**6. Fees.** A notice to the obligor and payor of income that the payor of income shall withhold and send to the department a fee of \$2 per ~~week~~ pay period in addition to the amount withheld for child support.

**Sec. 6. 19-A MRSA §2961, sub-§1, ¶B**, as enacted by PL 2003, c. 436, §10, is amended to read:

B. The individual submits to the jurisdiction of this State by consent in a record, by entering a general appearance or by filing a responsive document having the effect of waiving any contest to personal jurisdiction;

**Sec. 7. 19-A MRSA §3101-E**, as enacted by PL 1997, c. 669, §21, is repealed.

**Sec. 8. 19-A MRSA §3254, first ¶**, as amended by PL 2003, c. 436, §44, is further amended to read:

If a child support order issued by a tribunal of this State is modified by a tribunal of another state that assumed jurisdiction pursuant to the Uniform Interstate Family Support Act, a tribunal of ~~the~~ this State:

**Sec. 9. 19-A MRSA §3311, sub-§4-A** is enacted to read:

**4-A. Foreign central authority.** "Foreign central authority" means the entity designated by a foreign country as defined in section 2802, subsection 3-A to perform the functions specified in the Convention.

See title page for effective date.

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**CHAPTER 187**

**S.P. 389 - L.D. 1117**

**An Act To Clarify the Policy  
for Withdrawal of Life Support  
from Minors**

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

**Sec. 1. 22 MRSA §4037**, as amended by PL 1995, c. 694, Pt. D, §44 and affected by Pt. E, §2, is repealed and the following enacted in its place:

**§4037. Authority of custodian**

When custody of the child is ordered to the department or other custodian under a preliminary or final protection order, the custodian has full custody of the child subject to the terms of the order and other applicable law.

**1. Adoption.** Custody does not include the right to initiate adoption proceedings without parental consent, except as provided under Title 18-A, section 9-302.

**2. Withhold or withdraw life-sustaining medical treatment.** Except as provided in paragraphs A and B, the custodian may not withhold or withdraw life-sustaining medical treatment.

A. The custodian may withhold or withdraw life-sustaining medical treatment if the parental rights of the parents of the child have been terminated pursuant to section 4055 and the custodian determines that withholding or withdrawing life-sustaining medical treatment is in the best interests of the child after considering the factors in paragraph C and the opinions of the child's treating physicians.

B. If the parental rights of one or more parent of the child have not been terminated, the custodian under a preliminary or final child protection order may withhold or withdraw life-sustaining medical treatment:

(1) If the parent or parents whose parental rights have not been terminated consent to the custodian having that authority and the custodian determines that withholding or withdrawing life-sustaining medical treatment is in the best interests of the child after considering the factors in paragraph C and the opinions of the child's treating physicians; or

(2) If any parent whose parental rights have not been terminated does not consent, after notice and hearing, the District Court finds by clear and convincing evidence that:

(a) All of the nonconsenting parents are unfit under one or more of the grounds for termination in section 4055, subsection 1, paragraph B, subparagraph (2), division (b); and

(b) Withholding or withdrawing life-sustaining medical treatment is in the best interests of the child.

C. Withholding or withdrawing life-sustaining medical treatment is in the best interests of the child if the child is in a persistent vegetative state or suffers from another irreversible medical condition that severely impairs mental and physical functioning, with poor long-term medical progno-

sis, and the child would experience additional pain and suffering if life-sustaining medical treatment were administered.

See title page for effective date.

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**CHAPTER 188  
S.P. 162 - L.D. 433**

**An Act To Clarify the Liability  
of Funeral Practitioners**

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

**Sec. 1. 22 MRSA §2843-A, sub-§8,** as amended by PL 2011, c. 387, §2, is further amended to read:

**8. Immunity.** A party, including but not limited to a funeral director or practitioner of funeral service, who, in good faith, acts upon the instructions of the party having custody and control is not liable for having carried out those instructions, may not be held civilly or criminally liable and is not subject to disciplinary action for acting in accordance with those instructions.

See title page for effective date.

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**CHAPTER 189  
S.P. 266 - L.D. 736**

**An Act To Allow Access to  
Certain Death Records**

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

**Sec. 1. 34-B MRSA §1207, sub-§1, ¶H,** as amended by PL 2011, c. 347, §10, is further amended to read:

H. The names and dates of death of individuals who died while patients at the Augusta Mental Health Institute, the Bangor Mental Health Institute, the Dorothea Dix Psychiatric Center ~~or~~ the Riverview Psychiatric Center or the Pineland Hospital and Training Center may be made available to the public in accordance with rules adopted by the department. The rules must require the department to notify the public regarding the release of the information and to maintain the confidentiality of information concerning any deceased individual whose surviving relatives notify the department that they object to public disclosure. Rules adopted pursuant to this paragraph are

routine technical rules as defined in Title 5, chapter 375, subchapter 2-A; and

See title page for effective date.

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**CHAPTER 190  
H.P. 631 - L.D. 911**

**An Act Concerning the Review  
of Certain Projects under the  
Site Location of Development  
Laws**

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

**Sec. 1. 35-A MRSA §3451, sub-§§1-D and 1-E** are enacted to read:

**1-D. Combined observation.** "Combined observation" means a view from a scenic resource of state or national significance of more than one group of generating facilities located within the viewshed of the scenic resource of state or national significance within the field of view of a stationary viewer.

**1-E. Cumulative scenic impact or effect.** "Cumulative scenic impact or effect" means the potential adverse effect on the scenic character and existing uses related to the scenic character of scenic resources of state or national significance resulting from the incremental impact of a proposed wind energy development when added to the effects of other existing, permitted or pending wind energy developments within the viewshed of a scenic resource of state or national significance. For the purposes of this subsection, a pending wind energy development is a wind energy development for which an application has been submitted to and determined complete for processing by the department. A determination of cumulative scenic impact or effect may be based upon the combined observation, successive observation or sequential observation of wind energy developments located within the viewshed of a scenic resource of state or national significance as viewed from a scenic resource of state or national significance.

**Sec. 2. 35-A MRSA §3451, sub-§§9-A and 9-B** are enacted to read:

**9-A. Sequential observation.** "Sequential observation" means a view of more than one group of generating facilities located within the viewshed of a scenic resource of state or national significance as the viewer travels along the portion of a linear route that is located within the viewshed of a scenic resource of state or national significance. For the purposes of this subsection, a linear route is a scenic resource of state or national significance that is a trail that is used exclusively for pedestrian use and has been designated as a national scenic trail.