



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 746

H.P. 553

House of Representatives, March 1, 2011

An Act Regarding the Consent of Minors for Mental Health and Substance Abuse Aid

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative CHASE of Wells.
Cosponsored by Senator COLLINS of York and
Representatives: CEBRA of Naples, KNIGHT of Livermore Falls, NASS of Acton, WINSOR
of Norway, Senator: SHERMAN of Aroostook.

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

2 **Sec. 1. 22 MRSA §1502**, as enacted by PL 1995, c. 694, Pt. C, §8 and affected by
3 Pt. E, §2, is amended to read:

4 **§1502. Consent**

5 In addition to the ability to consent to treatment for health services as provided in
6 sections 1823 and 1908 and Title 32, sections 2595, 3292, 3817, 6221 and 7004, a minor
7 may consent to treatment for abuse of alcohol or drugs or for emotional or psychological
8 problems: only if the minor meets at least one of the following conditions:

9 **1. Lives separately and is independent of parental support.** The minor lives
10 separately from the minor's parents or legal guardians and is independent of support for at
11 least 60 days;

12 **2. Is married.** The minor is or was legally married;

13 **3. Is a member of the Armed Forces.** The minor is or was a member of the Armed
14 Forces of the United States;

15 **4. Is emancipated.** The minor has been emancipated by the court pursuant to Title
16 15, section 3506-A; and

17 **5. Determined at risk of harm.** The minor is determined by a licensed professional
18 trained in the treatment of mental health or substance abuse problems to be at risk of
19 harm or maltreatment, including loss of access to treatment, if a legal guardian were to be
20 notified and the mental health or substance abuse professional refers the legal guardian to
21 the department for investigation of possible abuse or neglect as is required in section
22 4011-A.

23 **SUMMARY**

24 This bill provides conditions under which a minor may legally consent to treatment of
25 abuse of alcohol or drugs or for emotional or psychological problems without the consent
26 of the minor's parents or legal guardians.