

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

Sec. 1. Office of Consumer Credit Regulation authorized to study payday advance industry and related consumer credit lending issues in State. Resolved: That the Department of Professional and Financial Regulation, Office of Consumer Credit Regulation, in consultation with the Office of the Attorney General, the banking and lending industry and consumers, shall conduct a study on the current market for payday advance services and subprime lending practices in the State and related consumer protection laws and educational services; and be it further

Sec. 2. Reporting date established. Resolved: That the Department of Professional and Financial Regulation, Office of Consumer Credit Regulation shall report its findings under section 1, including any proposed legislation, to the Joint Standing Committee on Business, Research and Economic Development by February 1, 2006.

See title page for effective date.

CHAPTER 25

S.P. 458 - L.D. 1331

Resolve, To Improve the Response Time for State Employees Seeking Job Reclassifications

Sec. 1. Expedited reclassification request process. Resolved: That the following provisions apply to reclassification requests initiated by employees.

1. The Department of Administrative and Financial Services, Bureau of Human Resources shall instruct state agencies to expedite the process of review and submission of employee-initiated reclassification requests. The Bureau of Human Resources shall modify the form for reclassification requests to provide a tear-off cover sheet with the date the employee signed the request to be forwarded to the Bureau of Human Resources by the agencies. The Bureau of Human Resources shall maintain a log for tracking the progress of employee-initiated reclassification requests.

2. Pursuant to an agreement reached by the State and the Maine State Employees Association, if an employee-initiated reclassification request is approved, interest will accrue effective upon the 91st day after the employee signed the reclassification request, rather than upon the date of final decision.

3. The Bureau of Human Resources shall absorb any costs associated with the expedited reclassification request process within its existing budget.

4. The Bureau of Human Resources shall report its progress on the status and impact of the expedited reclassification request process to the Joint Standing Committee on State and Local Government by March 15, 2006.

See title page for effective date.

CHAPTER 26

H.P. 323 - L.D. 438

Resolve, To Improve Access to Emergency Services in State Parks, Historic Sites and the Maine Wildlife Park

Preamble. Whereas, the Department of Conservation and the Department of Inland Fisheries and Wildlife strive to provide a safe environment for visitors to public facilities under their jurisdictions; and

Whereas, periodic review of safety policies and procedures is necessary to provide the safest possible environment within existing resources; and

Whereas, the family of Olyvia Pratt requested this legislation to facilitate the provision of the highest level of safety to visitors by the Department of Conservation and the Department of Inland Fisheries and Wildlife; now, therefore, be it

Sec. 1. Policies; procedures. Resolved: That the Department of Conservation and the Department of Inland Fisheries and Wildlife shall:

1. Review policies and procedures for contacting emergency service providers and mechanisms for communicating these policies and procedures to staff, emergency service providers and the visiting public;

2. Create and implement policies and procedures that allow emergency service providers immediate access to state-owned facilities when necessary;

3. Review and implement staff training to ensure timely responses to emergencies; and

4. Develop written emergency operating plans for all staffed facilities; and be it further

Sec. 2. Report. Resolved: That the Department of Conservation and the Department of Inland Fisheries and Wildlife shall report the findings of the reviews under section 1 and actions taken in response to the reviews to the Joint Standing Committee on

Agriculture, Conservation and Forestry by January 31, 2006.

See title page for effective date.

CHAPTER 27

H.P. 51 - L.D. 55

Resolve, To Review Rules for Organ and Tissue Donation

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this resolve must take effect prior to July 1, 2005 in order for the Department of Health and Human Services to initiate rulemaking to revise, amend or replace existing rules regarding organ and tissue donation to address issues including informed consent, training and the manner in which organ and tissue donation requests are processed in this State; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Rules to be reviewed. Resolved: That the Department of Health and Human Services shall review the rules regarding the responsibilities of hospitals and physicians in implementing the Uniform Anatomical Gift Act, including, but not limited to, the congruity of the current rules with recent federal changes in the protocol for organ and tissue procurement, informed consent, conflict of interest and the potential application of the rules to research facilities and other entities not currently subject to the rules. The department shall include in the review representatives of the Department of the Attorney General, Office of the Chief Medical Examiner, Maine hospitals, a regional organ and tissue bank, a statewide association of funeral directors, a statewide association of funeral consumers and medical providers involved in the organ and tissue procurement process. The department shall report by January 31, 2006 to the Joint Standing Committee on Health and Human Services regarding the review and any recommendations of the department.

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

Effective May 20, 2005.

CHAPTER 28

H.P. 111 - L.D. 133

Resolve, To Support Long-term Forest Management and Sound Silviculture

Sec. 1. Development of recommendations and implementation plan. Resolved: That the Commissioner of Conservation shall develop recommendations and an implementation plan for encouraging and supporting long-term forest management and improved silviculture. In developing the recommendations, the commissioner shall review, at a minimum, the following:

1. Repeal or reduction of capital gains taxes on the sale of timber on land held for a minimum period;
2. Reduction of capital gains or property taxes for landowners enrolled in forest certification programs or committing to a higher level of forest management or providing public recreational access;
3. Provision of loan guarantees for sustainable forestry investments to increase access to capital for landowners committed to sustainable forest management to purchase forest land; and
4. Concepts and mechanisms that could contribute to achieving the goal of supporting long-term forest management and improved silviculture.

In conducting the review, the commissioner shall solicit input from representatives of the forestry community, including forest products businesses, professional loggers, state agencies, municipalities, industrial and nonindustrial landowners, farmers, environmental groups, financial institutions, Legislators and members of the public; and be it further

Sec. 2. Report to Legislature. Resolved: That the Commissioner of Conservation shall report to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than February 1, 2006 on progress made in conducting the review and developing recommendations under section 1 of this resolve. If more time is needed, the committee shall establish a date for a final report.

The final report must include detailed cost information and proposed changes to existing laws, rules