

# 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 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**

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