

# 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.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2005**

**CHAPTER 93****H.P. 800 - L.D. 1157****Resolve, Directing the Department of Education and the Department of Environmental Protection To Implement Procedures To Remove Hazardous Materials from Maine Schools**

**Sec. 1. Implementation of proposal. Resolved:** That the Department of Education and the Department of Environmental Protection shall implement the proposal dated May 10, 2005 and presented to the Joint Standing Committee on Natural Resources on May 10, 2005 regarding the removal of hazardous materials from schools. The objective of the proposal includes achieving compliance with the Maine Revised Statutes, Title 20-A, section 4001 and Chapter 161 of the rules administered by the Department of Education; and be it further

**Sec. 2. Report and recommendations. Resolved:** That, by January 15, 2006, the Department of Education and the Department of Environmental Protection shall jointly report to the Joint Standing Committee on Natural Resources on the effectiveness of the efforts undertaken pursuant to this resolve. If changes in procedures, rules or law are needed, the report must include recommendations for changes.

See title page for effective date.

**CHAPTER 94****H.P. 1105 - L.D. 1567****Resolve, Encouraging the Continuing Education of Physicians Regarding Disclosure of Confidential Medical Information**

**Sec. 1. Inclusion of information regarding authority of agents to receive medical information. Resolved:** That the Department of Health and Human Services shall invite professional associations of health care providers to include information in continuing education presentations that makes clear that agents appointed through a power of attorney are entitled to receive the same information as the principal and that the "minimum necessary" standard of the federal Health Insurance Portability and Accountability Act of 1996, 42 United States Code, Section 1320d et seq., "HIPAA," privacy rule does not

apply to releases of protected health information to principals or their agents.

See title page for effective date.

**CHAPTER 95****H.P. 967 - L.D. 1390****Resolve, Regarding Legislative Review of Chapter 120: Release of Data to the Public, a Major Substantive Rule of the Maine Health Data Organization**

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

**Whereas,** the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas,** the above-named major substantive rule has been submitted to the Legislature for review; and

**Whereas,** immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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. Adoption. Resolved:** That final adoption of Chapter 120: Release of Data to the Public, a provisionally adopted major substantive rule of the Maine Health Data Organization that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized provided the rule is amended to add the following provisions:

1. In section 9, on review of requests for clinical data, in paragraph A, subsection 4, language must be added providing a health care quality exception and extending the exception that applies to an authorized public health study to health care quality analyses;

2. In section 9, on review of requests for clinical data, in paragraph B, subsection 2, language must be added providing a reference to the health care quality exception; and