

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

SECOND SPECIAL SESSION

July 29, 2005

SECOND REGULAR SESSION

January 4, 2006 to May 24, 2006

THE GENERAL EFFECTIVE DATE FOR

SECOND SPECIAL SESSION

NON-EMERGENCY LAWS IS

OCTOBER 28, 2005

THE GENERAL EFFECTIVE DATE FOR

SECOND REGULAR SESSION

NON-EMERGENCY LAWS IS

AUGUST 23, 2006

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

Penmor Lithographers

Lewiston, Maine

2006

that sell prepaid wireless telephone service offered by service providers and any other entities the commission believes should be included to ensure adequate and appropriate stakeholder representation; and be it further

Sec. 2. Issues examined. Resolved: That the stakeholder group shall consider ways of calculating the E-9-1-1 surcharge to achieve reasonable equivalency with the surcharge imposed on other telecommunications services and means of collecting the surcharge that are competitively neutral, but the stakeholder group may consider and examine any means of collecting and remitting the surcharge that it determines appropriate.

The stakeholder group shall consider costs, flexibility, efficiencies and enforcement of the means of collecting and remitting the surcharge from the perspective of the commission, service providers, retailers and end users; and be it further

Sec. 3. Report; authority to report out legislation. Resolved: That the Public Utilities Commission shall report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 1, 2007 the results of and recommendations produced by the stakeholder group. The report must include suggested legislation to implement any recommendations of the stakeholder group. If the stakeholder group fails to reach agreement or if for any other reason the commission determines it appropriate to provide its own separate recommendations on the subject matter of this resolve, the commission may include its own analysis and recommendations in the report, including any suggested legislation to implement its recommendations.

The joint standing committee of the Legislature having jurisdiction over utilities and energy matters may report out legislation relating to the subject matter of this resolve to the First Regular Session of the 123rd Legislature.

See title page for effective date.

CHAPTER 163

H.P. 1445 - L.D. 2051

Resolve, To Name the New Bridge in Augusta Spanning the Kennebec River "Cushnoc Crossing"

Sec. 1. Cushnoc Crossing. Resolved: That the new bridge in Augusta connecting Interstate 95 to Route 3 and crossing the Kennebec River north of the Father Curran Bridge be named "Cushnoc Crossing"; and be it further

Sec. 2. Signs erected. Resolved: That the Department of Transportation shall erect signs in both directions of access to the bridge that indicate the name under section 1.

See title page for effective date.

CHAPTER 164

H.P. 1396 - L.D. 1994

Resolve, To Preserve Patient Records

Sec. 1. Rules. Resolved: That no later than January 1, 2007, the Department of Health and Human Services shall amend the rules regarding licensing for general and specialty hospitals and ambulatory surgical facilities to require that hospitals and facilities that record images of a patient using x rays, magnetic resonance imaging or computerized tomography provide notice of intent to destroy or purge those images. The rules must provide that the hospital or facility may provide the required notice through publication in a newspaper that has broad general circulation in the region served by the hospital or facility or directly to the patient prior to or after taking the image. Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 165

H.P. 1389 - L.D. 1982

Resolve, Regarding Legislative Review of Portions of Chapter 270: Uniform Reporting System for Health Care Quality Data Sets, 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 portions of Chapter 270: Uniform Reporting System for Health Care Quality Data Sets, 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 if the rule is amended in section 3 (B) to remove 2 healthcare associated infection quality metrics, HAI-5 and HAI-7.

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

Effective April 4, 2006.

CHAPTER 166

H.P. 1384 - L.D. 1976

Resolve, Regarding Legislative Review of Portions 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 preserva-

tion of the public peace, health and safety; now, therefore, be it

Sec. 1. Adoption. Resolved: That final adoption of portions 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.

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

Effective April 4, 2006.

CHAPTER 167

H.P. 1206 - L.D. 1699

Resolve, To Direct the Department of Labor To Coordinate a Task Force To Examine and Study Issues Relating to Workplace Safety and Workplace Violence

Sec. 1. Coordination of task force. Resolved: That the Department of Labor shall coordinate a task force to examine and study workplace safety and workplace violence. Membership in the task force must be composed of a member of the family of a workplace violence victim and one representative from each of the following:

1. The State Police;
2. The Maine Sheriffs' Association;
3. The Maine Women's Lobby;
4. The Maine Coalition to End Domestic Violence;
5. The Maine Coalition Against Sexual Assault;
6. The Maine Merchants' Association;
7. The New England Convenience Store Association;
8. The Maine Restaurant Association; and
9. The Maine AFL-CIO; and be it further

Sec. 2. Task force study. Resolved: That the task force under section 1, assisted by the Department of Labor, shall study issues relating to the workplace in order to improve safety and reduce workplace violence. As part of its study, the task force shall review the laws and policies of other states