

MAINE STATE LEGISLATURE

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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

and the Federal Government and any reports or analyses regarding the effectiveness of laws and policies in other jurisdictions. The study must include an examination of the following issues and any other issues the department or a member of the task force determines appropriate:

1. The adequacy of current laws and standards that address workplace safety and workplace violence and the need for, or benefit of, developing a comprehensive policy on violence in the workplace that consolidates and supplements existing provisions of law in order to improve safety and reduce violence in the workplace;

2. The need for, or benefit of, requiring the use of "panic buttons" or other security systems in businesses open beyond regular business hours;

3. The need for, or benefit of, requiring the posting of laws and policies relating to workplace safety and workplace violence in all places of employment; and

4. The need for, or benefit of, requiring notification to employees of laws and policies relating to workplace safety and workplace violence and education and training regarding workplace safety and workplace violence for all employees, particularly new employees, and management; and be it further

Sec. 3. Report. Resolved: That the task force under section 1, assisted by the Department of Labor, shall submit a report to the joint standing committee of the Legislature having jurisdiction over labor matters by January 15, 2007 regarding the study conducted pursuant to this resolve. The report must include findings, recommendations and any proposed implementing legislation. The joint standing committee of the Legislature having jurisdiction over labor matters may report out legislation relating to the subject matter of the study to the First Regular Session of the 123rd Legislature.

See title page for effective date.

CHAPTER 168

H.P. 1473 - L.D. 2082

Resolve, Directing the Secretary of State To Establish a Task Force To Develop a Plan for the Maine State Cultural Building in Augusta

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 State Cultural Building is experiencing a severe shortage of archive space and physical building damage that could lead to the loss of cultural artifacts, books and archived records; and

Whereas, the task force established in this resolve will need time to develop options for the improvement of the Maine State Cultural Building and to investigate funding sources; 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. Secretary of State directed to establish task force to develop plan for cultural building in Augusta. Resolved: That the Secretary of State shall establish a task force to develop a plan for the Maine State Cultural Building. The task force shall include representatives from the Capitol Planning Commission; the Maine Historic Preservation Commission; the Maine State Library; the Maine State Museum; the Maine State Archives; the Department of Administrative and Financial Services, Bureau of General Services; the University of Maine System; the City of Augusta; the Maine Archives and Museums Association; the Maine Library Association; and other individuals or organizations with a demonstrated interest in the cultural affairs of the State; and be it further

Sec. 2. Task force duties. Resolved: That the task force established in section 1 shall examine and make recommendations regarding the following issues concerning the Maine State Cultural Building:

1. Space limitations, mechanical problems, energy inefficiencies and physical deterioration;
2. The possibility of constructing a new building;
3. Obtaining federal sources of funds to be used for upgrading and expanding cultural facilities in Augusta;
4. Obtaining private sources of funds to be used for upgrading and expanding cultural facilities in Augusta; and
5. Ways for the State to work collaboratively with universities to develop cooperative agreements to meet the cultural needs of the State.

Recommendations for building and grounds improvements must be consistent with the Capitol Planning Commission master plan and rules; and be it further

Sec. 3. Report and recommendations.

Resolved: That the task force established in section 1 shall report its findings and recommendations under section 2, including any suggested legislation jointly to the joint standing committee of the Legislature having jurisdiction over state and local government matters and the Capitol Planning Commission no later than January 15, 2007; and be it further

Sec. 4. Authority to report out legislation.

Resolved: That the joint standing committee of the Legislature having jurisdiction over state and local government matters is authorized to report out legislation concerning the finding and recommendations under section 2 to the First Regular Session of the 123rd Legislature.

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

Effective April 6, 2006.

CHAPTER 169
S.P. 680 - L.D. 1763**Resolve, Concerning the Authority of "Do Not Resuscitate" Directives**

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

Whereas, current protocols applicable to emergency medical responders regarding the treatment of "do not resuscitate" orders require physicians' orders; and

Whereas, it is necessary that the protocols be revised as quickly as possible to ensure that the informed wishes of a person, as stated in that person's directive, be complied with; 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. Maine Emergency Medical Services protocols. Resolved: That the Medical Direction and Practices Board, as defined in the Maine Revised Statutes, Title 32, section 83, subsection 16-B, shall adopt changes in the Maine Emergency Medical Services protocols to affirmatively recognize the authority of an individual to execute an individual instruction refusing resuscitation that will be honored

by emergency medical services providers, as long as the individual instruction provides satisfactory evidence of informed consent. In adopting the proposed changes, the board shall ensure that the new protocols will result in forms for refusing resuscitation that are clear and can be made immediately available to emergency medical services providers; and be it further

Sec. 2. Report. Resolved: That the Director of Maine Emergency Medical Services within the Department of Public Safety, in consultation with interested parties, shall report by January 15, 2007 to the joint standing committee of the Legislature having jurisdiction over judiciary matters on the following:

1. Changes in the Maine Emergency Medical protocols pursuant to section 1;
2. Instructions and forms developed to implement and complement the protocols;
3. Existing and planned educational initiatives; and
4. Any recommended legislation; and be it further

Sec. 3. Legislation. Resolved: That the joint standing committee of the Legislature having jurisdiction over judiciary matters may report out legislation to the 123rd Legislature concerning advance health-care directives and "do not resuscitate" decisions.

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

Effective April 7, 2006.

CHAPTER 170
S.P. 713 - L.D. 1796**Resolve, Concerning the Assessment of Property Subject to Affordable Housing Limitations and Benefits**

Sec. 1. Review. Resolved: That the Department of Administrative and Financial Services, Bureau of Revenue Services, referred to in this resolve as "the bureau," shall review the factors that should be considered by municipal assessors when determining the just value of property acquired, rehabilitated or constructed pursuant to federal laws related to affordable housing for low-income persons. The factors to be reviewed must include, but are not limited to, contracts and agreements, enforceable restrictions on the use of such property, financial