

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

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

elements including sales of such projects, government subsidies, tax credits, permits and licenses and any other factors considered relevant by the bureau; and be it further

Sec. 2. Informational program and materials. Resolved: That the bureau shall prepare an informational program and materials for municipal assessors that describe 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 informational program must be presented as part of the bureau's annual Property Tax School; and be it further

Sec. 3. Report. Resolved: That the bureau shall present a report to the joint standing committee of the Legislature having jurisdiction over taxation matters by January 10, 2007 describing the results of its review conducted pursuant to section 1. The report must include a description of how other states treat valuation issues for affordable housing projects both with and without federal tax credits and the impact of those credits on valuation. The report must describe practices used in Maine to assess affordable housing projects and identify any inconsistencies. The report must evaluate the application of the Constitution of Maine to assessment practices for affordable housing projects. The report must include any recommendations for statutory changes the bureau considers necessary. The bureau may submit legislation to implement its recommendations. After receipt and review of the report the joint standing committee may report out to the First Regular Session of the 123rd Legislature legislation to implement the recommendations related to the report; and be it further

Sec. 4. Advisory group. Resolved: That the bureau shall consult with the Maine State Housing Authority; representatives of affordable housing project developers, financiers and owners; organizations representing municipal officials, including municipal assessors; and other experts in the field of appraisal and affordable housing project financing when preparing the informational program and materials and the report required by this resolve.

See title page for effective date.

CHAPTER 171

H.P. 1464 - L.D. 2069

Resolve, Regarding Legislative Review of the Final Repeal of Portions of Chapter 130: Rules for Equivalent Instruction Programs, a Major Substantive Rule That Has Been Provisionally Repealed by the Department of Education

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, amended, suspended or repealed by the agency; and

Whereas, the final repeal of 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 repeal 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. Repeal. Resolved: That final repeal of Chapter 130: Rules for Equivalent Instruction Programs, a provisionally repealed major substantive rule of the Department of Education 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 7, 2006.
