

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

SECOND SPECIAL SESSION
September 29, 2021

SECOND REGULAR SESSION
January 5, 2022 to May 9, 2022

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 29, 2021

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 8, 2022

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

Augusta, Maine
2022

Sec. 1. 35-A MRSA §102, sub-§12-B is enacted to read:

12-B. Public safety facility. "Public safety facility" has the same meaning as in Title 30-A, section 5222, subsection 14-A.

Sec. 2. 35-A MRSA §719 is enacted to read:

§719. Termination of utility services for public safety facilities for nonpayment of rates, fees or charges for utility service

1. Termination. A public utility may not terminate or disconnect a public safety facility's utility service for nonpayment of rates, fees or charges for utility service unless the public utility has:

A. Provided written notice to the municipal or plantation government using the public safety facility of the public utility's intention to terminate or disconnect the public safety facility's utility service at least 60 days before the termination or disconnection date;

B. Obtained from the commission written authorization to terminate or disconnect the public safety facility's utility service; and

C. Obtained from the Department of Public Safety written authorization to terminate or disconnect the public safety facility's utility service.

2. Penalties. Notwithstanding section 1508-A, subsection 1, the commission shall impose an administrative penalty on a public utility that violates this section in accordance with this subsection.

A. For violations of this section by a public utility, the commission shall impose an administrative penalty for each violation in an amount between 0.1% and 0.25% of the annual gross revenue that the public utility received from sales in the State. Each day a violation continues constitutes a separate offense. The maximum administrative penalty for any related series of violations under this paragraph may not exceed 5% of the annual gross revenue that the public utility received from sales in the State.

B. For a violation in which a public utility was explicitly notified by the commission that it was not in compliance with the requirements of this section and that failure to comply could result in the imposition of administrative penalties, the commission shall impose an additional administrative penalty of an amount between 0.1% and 0.25% of the annual gross revenue for each violation.

C. In determining the amount of an administrative penalty under this subsection, the commission shall take into account the considerations in section 1508-A, subsection 2.

3. Rules. The commission shall adopt or amend rules to implement this section. The commission shall ensure that any process or system changes made by a public utility to comply with this section are cost effective, result in operation and maintenance costs that are prudent and reasonable and do not involve capital investment. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. In adopting rules pursuant to this subsection, the commission shall consult with the Department of Public Safety and a statewide organization representing municipal interests in the State.

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

Effective April 12, 2022.

CHAPTER 587

S.P. 633 - L.D. 1858

An Act Regarding Delegating Authority for Services Performed by Emergency Medical Services Personnel in Health Care Facilities

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 law authorizes licensed emergency medical services persons to provide medical services in hospital settings under delegated authority if certain criteria are met; and

Whereas, the authority of licensed emergency medical services persons who work in other health care facility settings to provide medical services in those settings under delegated authority is unclear; and

Whereas, the authority of licensed emergency medical services persons to work in health care settings, including approved pilot projects, must be clarified as soon as possible; 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 enacted by the People of the State of Maine as follows:

Sec. 1. 32 MRSA §85, sub-§7, as enacted by PL 2019, c. 609, §1, is amended to read:

7. Delegation. This chapter may not be construed to prohibit a person licensed as an emergency medical services person from rendering medical services in a

hospital or other health care facility setting if those services are:

- A. Rendered in the person's capacity as an employee of the hospital or health care facility;
- B. Authorized by the hospital or health care facility; and
- C. Delegated in accordance with section 2594-A or 3270-A.

Sec. 2. Critical access integrated paramedic projects. Notwithstanding any provision of law to the contrary and as authorized in accordance with the Maine Revised Statutes, Title 32, chapter 2-B, an emergency medical services person is authorized to provide the services described in the application approved by the Emergency Medical Services' Board on October 6, 2021 for a pilot project to be implemented in the Town of Jackman, jointly sponsored by North East Mobile Health Services, St. Joseph Hospital, Penobscot Community Health Center and the Town of Jackman and known as "the Maine EMS Critical Access Integrated Paramedic (CAIP) Pilot Project," for as long as the project remains approved by the Emergency Medical Services' Board.

Sec. 3. Development of guidance for emergency medical services persons acting under delegated authority. The Board of Licensure in Medicine and the Board of Osteopathic Licensure, in consultation with the Emergency Medical Services' Board and interested stakeholders, shall develop guidance under which physicians and physician assistants may delegate activities pursuant to the Maine Revised Statutes, Title 32, sections 2594-A and 3270-A to an individual acting contemporaneously pursuant to a contractual arrangement as a medical assistant under delegated authority and as an emergency medical services person under a license issued in accordance with Title 32, section 82. The guidance for the contractual arrangements required to be developed by this section must address the legal relationship of the parties to such arrangements, the appropriate settings for the arrangements, the scope and extent of supervision under delegated authority for the arrangements and any education and training requirements for persons acting under delegated authority pursuant to the arrangements. The boards shall submit a report including the guidance and any recommendations for necessary statutory changes to the joint standing committee of the Legislature having jurisdiction over physician licensing matters no later than January 31, 2023. The committee may submit legislation related to the report to the First Regular Session of the 131st Legislature.

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

Effective April 12, 2022.

**CHAPTER 588
S.P. 702 - L.D. 1966**

An Act To Facilitate Access to Heating Assistance

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

Whereas, COVID-19 has decreased in-person access to community action agencies that administer fuel assistance; and

Whereas, individuals must apply annually for fuel assistance; and

Whereas, there is currently no online application for fuel assistance; and

Whereas, this legislation requires the Maine State Housing Authority to adopt rules requiring that online applications for fuel assistance be accepted beginning no later than the next winter season; 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 enacted by the People of the State of Maine as follows:

Sec. 1. 30-A MRSA §4992, sub-§4, as enacted by PL 1991, c. 622, Pt. J, §23 and affected by §25, is amended to read:

4. Availability standards. Standards requiring local program operators and administrators to be available to the general public for a minimum specified period of time each week; ~~and~~

Sec. 2. 30-A MRSA §4992, sub-§5, as enacted by PL 1991, c. 622, Pt. J, §23 and affected by §25, is amended to read:

5. Expeditious provision of assistance standards. Standards that ensure that qualified program recipients are expeditiously provided with assistance by the local program operator or administrator; and

Sec. 3. 30-A MRSA §4992, sub-§6 is enacted to read:

6. Application. Standards that, beginning no later than the 2022-23 winter season, require local program operators and administrators to accept online applications for the fuel assistance program. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.