

# MAINE STATE LEGISLATURE

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August 16, 1971

Don Fisher, M.D., Commissioner  
Attn: Gilbert E. Marcotte, M.D., Director, Bureau of Medical Care  
of Health and Welfare  
Ruth L. Crowley, Assistant Attorney General  
of Health and Welfare

**Authority to License Air Ambulance Services**

ISSUES

The Department of Health and Welfare has no authority under the Ambulance Services Licensure law (title 32, chapter 2 as enacted by public laws of 1969, chapter 399) to promulgate rules and regulations requiring the licensing of air ambulance services.

FACTS

Under authority of public laws of 1969, chapter 399, the Department of Health and Welfare has promulgated rules and regulations for the licensing of ambulance services, vehicles and personnel. The Department, with the approval of the Advisory Board for Licensure of Ambulance Services, Vehicles and Personnel, now proposes to license air ambulance services and to establish additional rules and regulations pertaining thereto.

QUESTION

Does chapter 399 of the public laws of 1969 authorize the Department of Health and Welfare to license air ambulance services?

ANSWER

No.

REASONS

The language of section 62 of chapter 2 of title 32, as enacted by chapter 399 of the public laws of 1969, clearly shows that the Legislature intended this chapter to apply only to motor vehicles, since these are the only type of vehicle licensed by the Secretary of State. The second sentence is the key in that it provides that the licensing of ambulances "is in addition to the licensing by the Secretary of State. All types of aircraft are licensed by the Aeronautics Commission (Title 6, Section 6). Had the Legislature intended ambulance licensure to extend to vehicles other than motor vehicles, reference to the appropriate licensing authority would have been included in the statute.

/s/ Ruth L. Crowley  
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RLC:WV