

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 62

H.P. 56

House of Representatives, January 14, 2015

An Act To Require Notice to Municipal Officers of Violations of Emergency Medical Services Law and Rule

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative GERRISH of Lebanon.
Cosponsored by Senator WOODSOME of York and
Representatives: FOLEY of Wells, HARLOW of Portland, RYKERSON of Kittery, TURNER
of Burlington, WHITE of Washburn.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 32 MRSA §83, sub-§17-B** is enacted to read:

3 **17-B. Municipal officers.** "Municipal officers" means:

4 A. The selectmen or councillors of a town; or

5 B. The mayor and aldermen or councillors of a city.

6 **Sec. 2. 32 MRSA §90-A, sub-§2-A** is enacted to read:

7 **2-A. Notice to municipal officers.** In any proceeding under this section regarding a
8 violation of law or rule in connection with the provision of emergency medical services in
9 a municipality, subject to the confidentiality provisions of section 91-B, the board shall
10 notify the municipal officers of that municipality.

11 **Sec. 3. 32 MRSA §91-B, sub-§2, ¶D,** as enacted by PL 2011, c. 271, §19, is
12 amended to read:

13 D. During the pendency of an investigation, a complaint or investigative record may
14 be disclosed:

15 (1) To Maine Emergency Medical Services employees designated by the
16 director;

17 (2) To designated complaint officers of the board;

18 (3) By a Maine Emergency Medical Services employee or complaint officer
19 designated by the board to the extent considered necessary to facilitate the
20 investigation;

21 (4) To other state or federal agencies when the files contain evidence of possible
22 violations of laws enforced by those agencies;

23 (5) By the director, to the extent the director determines such disclosure
24 necessary to avoid imminent and serious harm. The authority of the director to
25 make such a disclosure may not be delegated;

26 (6) When it is determined, in accordance with rules adopted by the department,
27 that confidentiality is no longer warranted due to general public knowledge of the
28 circumstances surrounding the complaint or investigation and when the
29 investigation would not be prejudiced by the disclosure; ~~or~~

30 (7) To the person investigated on request of that person. The director may refuse
31 to disclose part or all of any investigative information, including the fact of an
32 investigation, when the director determines that disclosure would prejudice the
33 investigation. The authority of the director to make such a determination may not
34 be delegated; or

35 (8) To the municipal officers of a municipality in a proceeding in which notice is
36 provided under section 90-A, subsection 2-A.

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SUMMARY

This bill provides notice to the municipal officers of a municipality when the Emergency Medical Services' Board investigates or takes action with regard to a violation of law or rule in connection with the provision of emergency medical services in the municipality. The bill provides an exception to Emergency Medical Services' Board confidentiality protections when notice is given to municipal officers.