

# MAINE STATE LEGISLATURE

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**MAJORITY**

Date: 6/16/19

(Filing No. S- 234)

**CRIMINAL JUSTICE AND PUBLIC SAFETY**

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**STATE OF MAINE**

**SENATE**

**129TH LEGISLATURE**

**FIRST REGULAR SESSION**

9 COMMITTEE AMENDMENT "A" to S.P. 573, L.D. 1724, Bill, "An Act To  
10 Amend the Maine Emergency Medical Services Act of 1982 and Related Provisions"

11 Amend the bill by striking out everything after the enacting clause and inserting the  
12 following:

13 **Sec. 1. 5 MRSA §18312, sub-§1**, as enacted by PL 2013, c. 602, Pt. B, §1, is  
14 amended to read:

15 **1. Contribution rate.** Except as provided in subsections 2 and 3, an emergency  
16 medical services person as defined in Title 32, section 83, subsection 12, including but  
17 not limited to a ~~first responder, basic emergency medical technician, services person or an~~  
18 ~~advanced emergency medical technician and paramedic,~~ person, employed by a  
19 participating local district that provides a special retirement benefit under section 18453,  
20 subsection 4 or 5 shall contribute to the Participating Local District Retirement Program  
21 or must have pick-up contributions made by the employer at a rate of 8% of earnable  
22 compensation as long as the person is employed as an emergency medical services  
23 person.

24 **Sec. 2. 5 MRSA §18453, sub-§2**, as amended by PL 2013, c. 602, Pt. B, §2, is  
25 further amended to read:

26 **2. Employee Special Plan #2.** A retirement benefit to police officers, firefighters,  
27 sheriffs, full-time deputy sheriffs, county corrections employees, emergency medical  
28 services persons as defined in Title 32, section 83, subsection 12, including but not  
29 limited to ~~first responders, basic emergency medical technicians, services persons and~~  
30 ~~advanced emergency medical technicians and paramedics,~~ persons, or any other  
31 participating local district employees who have completed 20 to 25 years of creditable  
32 service, the number of years to be selected by the participating local district. For the  
33 purposes of this subsection, "county corrections employees" means employees of the  
34 county who are employed at a county jail and whose duties include contact with prisoners  
35 or juvenile detainees. The benefits must be computed as follows:

**COMMITTEE AMENDMENT**

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- 1           A. Except as provided in paragraph B, 1/2 of the member's average final
- 2           compensation; or
- 3           B. If the member's benefit would be greater, the part of the service retirement benefit
- 4           based upon membership service before July 1, 1977, is determined, on a pro rata
- 5           basis, on the member's current annual salary on the date of retirement or current final
- 6           compensation, whichever is greater, and the part of the service retirement benefit
- 7           based upon membership service after June 30, 1977, is determined in accordance
- 8           with paragraph A.

9           **Sec. 3. 5 MRSA §18453, sub-§3**, as amended by PL 2013, c. 602, Pt. B, §3, is  
10 further amended to read:

11           **3. Firefighter and Emergency Medical Services Person Special Plan #1.** A  
12 retirement benefit equal to 1/2 of the member's average final compensation to a  
13 firefighter, including the chief of a fire department, and an emergency medical services  
14 person as defined in Title 32, section 83, subsection 12, including but not limited to a ~~first~~  
15 ~~responder~~, basic emergency medical technician, services person or an advanced  
16 emergency medical ~~technician and paramedic~~ person, who has completed at least 25  
17 years of creditable service in that capacity and who retires upon or after reaching age 55  
18 years of age.

19           **Sec. 4. 5 MRSA §18453, sub-§4**, as amended by PL 2013, c. 602, Pt. B, §4, is  
20 further amended to read:

21           **4. Firefighter and Emergency Medical Services Person Special Plan #2.** A  
22 retirement benefit to a firefighter, including the chief of a fire department, and an  
23 emergency medical services person as defined in Title 32, section 83, subsection 12,  
24 including but not limited to a ~~first responder~~, basic emergency medical technician,  
25 services person or an advanced emergency medical ~~technician and paramedic~~, person,  
26 who has completed at least 25 years of creditable service in that capacity and who retires  
27 upon or after reaching age 55 years of age. The benefits ~~shall~~ must be computed as  
28 follows:

- 29           A. Except as provided in paragraph B, 2/3 of the member's average final
- 30           compensation; or
- 31           B. If the member's benefit would be greater, the part of the service retirement benefit
- 32           based upon membership service before July 1, 1977, is determined, on a pro rata
- 33           basis, on the member's current final compensation and the part of the service
- 34           retirement benefit based upon membership service after June 30, 1977, is determined
- 35           in accordance with paragraph A.

36           **Sec. 5. 5 MRSA §18453, sub-§5**, as amended by PL 2013, c. 602, Pt. B, §5, is  
37 further amended to read:

38           **5. Firefighter and Emergency Medical Services Person Special Plan #3.** A  
39 retirement benefit to a firefighter, including the chief of a fire department, and an  
40 emergency medical services person as defined in Title 32, section 83, subsection 12,  
41 including but not limited to a ~~first responder~~, basic emergency medical technician,  
42 services person or an advanced emergency medical ~~technician and paramedic~~ person,  
43 who has completed 20 to 25 years of creditable service in that capacity, the number of

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COMMITTEE AMENDMENT "A" to S.P. 573, L.D. 1724 (S-234)

1 years to be selected by the participating local district and who retires at any age. The  
2 benefits ~~shall~~ must be computed as follows:

3 A. Except as provided under paragraph B, 2/3 of the member's average final  
4 compensation; or

5 B. If the member's benefit would be greater, the part of the service retirement benefit  
6 based upon membership service before July 1, 1977, is determined, on a pro rata  
7 basis, on the member's current final compensation and the part of the service  
8 retirement benefit based upon membership service after June 30, 1977, is determined  
9 in accordance with paragraph A.

10 **Sec. 6. 7 MRSA §4019, sub-§1**, as amended by PL 2011, c. 288, §1, is further  
11 amended to read:

12 **1. Removal authorized.** A law enforcement officer, humane agent, animal control  
13 officer, firefighter as defined in Title 26, section 2101, ~~first responder as defined in Title~~  
14 ~~32, section 83, subsection 13-A~~ or security guard licensed under Title 32, chapter 93,  
15 referred to in this section as "authorized persons," may take all steps that are reasonably  
16 necessary to remove an animal from a motor vehicle if the animal's safety, health or  
17 well-being appears to be in immediate danger from heat, cold or lack of adequate  
18 ventilation and the conditions could reasonably be expected to cause extreme suffering or  
19 death.

20 **Sec. 7. 24 MRSA §2904, sub-§3, ¶E**, as corrected by RR 2005, c. 2, §20, is  
21 amended to read:

22 E. "Emergency medical services person" ~~includes a first responder, as defined in~~  
23 ~~Title 32, section 83, subsection 13-A;~~ means a basic emergency medical ~~technician~~  
24 services person, as defined in Title 32, section 83, subsection 7; 6, and an advanced  
25 emergency medical ~~technician~~ person, as defined in Title 32, section 83, subsection 1.

26 **Sec. 8. 32 MRSA §83, sub-§1**, as enacted by PL 1981, c. 661, §2, is amended to  
27 read:

28 **1. Advanced emergency medical person.** "Advanced emergency medical  
29 ~~technician person~~" means an emergency medical ~~services'~~ services person licensed to  
30 perform advanced emergency medical treatment.

31 **Sec. 9. 32 MRSA §83, sub-§6**, as amended by PL 2015, c. 82, §1, is further  
32 amended to read:

33 **6. Basic emergency medical services person.** "Basic emergency medical services  
34 person" means a person licensed to perform basic emergency medical treatment.  
35 ~~Licensed emergency medical responders and basic emergency medical technicians are~~  
36 ~~basic emergency medical services persons.~~

37 **Sec. 10. 32 MRSA §83, sub-§7**, as amended by PL 1999, c. 182, §5, is repealed.

38 **Sec. 11. 32 MRSA §83, sub-§13-A**, as amended by PL 2015, c. 82, §2, is  
39 repealed.

40 **Sec. 12. 32 MRSA §83, sub-§16-B**, as amended by PL 2015, c. 82, §3, is further  
41 amended to read:

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1           **16-B. Medical Direction and Practices Board.** "Medical Direction and Practices  
2 Board" means the board consisting of each regional medical director, an emergency  
3 physician representing the Maine Chapter of the American College of Emergency  
4 Medicine Physicians, an at-large member, a toxicologist or licensed pharmacist, a person  
5 licensed under section 85 to provide basic emergency medical treatment, a person  
6 licensed under section 85 to provide advanced emergency medical treatment, a pediatric  
7 physician, the statewide ~~assistant~~ associate emergency medical services medical director  
8 and the statewide emergency medical services medical director. The Medical Direction  
9 and Practices Board is responsible for creation, adoption and maintenance of Maine  
10 Emergency Medical Services protocols.

11           **Sec. 13. 32 MRSA §83, sub-§21-B** is enacted to read:

12           **21-B. Statewide associate emergency medical services medical director.**  
13 **"Statewide associate emergency medical services medical director" means a licensed**  
14 **physician appointed by the board pursuant to section 84, subsection 1, paragraph C.**

15           **Sec. 14. 32 MRSA §84, sub-§1, ¶C**, as amended by PL 2011, c. 271, §6, is  
16 further amended to read:

17           C. The board shall appoint a licensed physician as statewide emergency medical  
18 services medical director and may appoint a licensed physician as statewide ~~assistant~~  
19 associate emergency medical services medical director. These physicians shall  
20 advise Maine Emergency Medical Services and shall carry out the duties assigned to  
21 the medical director pursuant to this chapter, or as specified by contract. A person  
22 appointed and serving as the statewide emergency medical services medical director  
23 or statewide ~~assistant~~ associate emergency medical services medical director is  
24 immune from any civil liability, as are employees of governmental entities under the  
25 Maine Tort Claims Act, for acts performed within the scope of the medical director's  
26 duties.

27           **Sec. 15. 32 MRSA §85, sub-§2**, as amended by PL 2001, c. 229, §3, is further  
28 amended to read:

29           **2. Advanced emergency medical treatment.** With the advice and consultation  
30 noted in subsection 1, the board may provide, by rule, which advanced skills, techniques  
31 and judgments may be supervised by a physician by means of standing orders, by voice  
32 radio and by other means. In every case, advanced emergency medical treatment must be  
33 given in accordance with protocols adopted by the Medical Direction and Practices  
34 Board.

35           The board may establish by rule appropriate licensure levels for advanced emergency  
36 medical ~~technicians~~ persons and fix the qualifications for persons to hold those licenses.

37           **Sec. 16. 32 MRSA §88, sub-§1, ¶A**, as amended by PL 2013, c. 62, §1, is further  
38 amended to read:

39           A. The board has one member representing each region and ~~11~~ 12 persons in  
40 addition. Of the additional persons, one is an emergency physician, one a  
41 representative of emergency medical dispatch providers, one a representative of the  
42 public, one a representative of for-profit ambulance services, one an emergency  
43 professional nurse, one a representative of nontransporting emergency medical

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1 services, one a representative of hospitals, one a fire chief, one a representative of a  
2 statewide association of fire chiefs, one a municipal emergency medical services  
3 provider ~~and~~, one a representative of not-for-profit ambulance services and one a  
4 representative in the field of pediatrics. The members that represent for-profit  
5 ambulance services, nontransporting emergency medical services and not-for-profit  
6 ambulance services must be licensed emergency medical services persons. One of the  
7 nonpublic members must be a volunteer emergency medical services provider.  
8 Appointments are for 3-year terms. Members are appointed by the Governor. The  
9 ~~state~~ statewide emergency medical services medical director ~~is an~~ and statewide  
10 associate emergency medical services medical director ~~are~~ ex officio nonvoting  
11 ~~member~~ members of the board.

12 **Sec. 17. 32 MRSA §88, sub-§3, ¶A,** as enacted by PL 2001, c. 229, §4, is  
13 amended to read:

14 A. Issue warnings, censures or reprimands to a licensee, deny or refuse to renew a  
15 license and suspend or revoke a license. Each warning, censure ~~or~~, reprimand and  
16 revocation issued must be based upon violations of different applicable laws, rules or  
17 conditions of licensure or must be based upon separate instances of actionable  
18 conduct or activity;

19 **Sec. 18. 32 MRSA §93-A, sub-§1,** as amended by PL 1991, c. 588, §25, is  
20 further amended to read:

21 **1. Emergency medical treatment supervision.** ~~No~~ A physician functioning within  
22 the medical control system established by the regional medical director and practicing in  
23 a hospital to or from which patients are transported under section 86 or health care  
24 practitioner under such a physician's supervision who gives oral or written instructions to  
25 a basic emergency medical services person or an advanced emergency medical ~~technician~~  
26 person for the provision of emergency medical treatment outside the hospital ~~may be~~ is  
27 not civilly liable for negligence as a result of issuing the instructions, if the instructions  
28 were in accordance with the protocol for the patient's reported condition. For the purpose  
29 of aiding in establishing the use of a protocol that permits the immunity provided in this  
30 subsection, the following provisions apply:

31 A. The basic emergency medical services person or advanced emergency medical  
32 ~~technician~~ person to whom the instructions are given shall document those  
33 instructions on the state ambulance run record; and

34 B. The physician or health care practitioner giving the instructions shall maintain a  
35 medical control log documenting those instructions at the time they were given and  
36 shall sign the log.

37 The immunity provided in this subsection extends to the hospital in which the physician  
38 described in this subsection is practicing or the health care practitioner described in this  
39 subsection is being supervised.'

40 Amend the bill by relettering or renumbering any nonconsecutive Part letter or  
41 section number to read consecutively.

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**SUMMARY**

This amendment replaces the bill and does the following.

1. The amendment amends and repeals certain definitions and changes terminology in the emergency medical services field regarding first responders and paramedics to general terminology that correlates with emergency medical services licensing.
2. The amendment adds 3 positions to the Medical Direction and Practices Board: a pediatric physician, an emergency medical services person licensed to provide basic life support and an emergency medical services person licensed to provide advanced life support.
3. The amendment changes the job title "statewide assistant emergency medical services medical director" to "statewide associate emergency medical services medical director."
4. The amendment makes the statewide associate emergency medical services medical director an ex officio member of the Emergency Medical Services Board and adds to the board a representative in the field of pediatrics.
5. The amendment gives the Emergency Medical Services Board the authority to deny or refuse to renew an emergency medical services person license or revoke a license.

**FISCAL NOTE REQUIRED**  
**(See attached)**



# 129th MAINE LEGISLATURE

LD 1724

LR 2344(02)

**An Act To Amend the Maine Emergency Medical Services Act of 1982 and Related Provisions**

**Fiscal Note for Bill as Amended by Committee Amendment "A" (S-234)**

**Committee: Criminal Justice and Public Safety**

**Fiscal Note Required: Yes**

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## Fiscal Note

Minor cost increase - General Fund

### Fiscal Detail and Notes

Additional costs to the Department of Public Safety associated with increased per diem costs from adding 3 additional members to the Emergency Medical Services Board can be absorbed within existing budgeted resources.