

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1724

S.P. 573

In Senate, May 14, 2019

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

Submitted by the Department of Public Safety pursuant to Joint Rule 204.
Reference to the Committee on Criminal Justice and Public Safety suggested and ordered
printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator DESCHAMBAULT of York.

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

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

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

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

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

24 A. Except as provided in paragraph B, 1/2 of the member's average final
25 compensation; or

26 B. If the member's benefit would be greater, the part of the service retirement benefit
27 based upon membership service before July 1, 1977, is determined, on a pro rata
28 basis, on the member's current annual salary on the date of retirement or current final
29 compensation, whichever is greater, and the part of the service retirement benefit
30 based upon membership service after June 30, 1977, is determined in accordance
31 with paragraph A.

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

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

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

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

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

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

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

19 **5. Firefighter and Emergency Medical Services Person Special Plan #3.** A
20 retirement benefit to a firefighter, including the chief of a fire department, and an
21 emergency medical services person as defined in Title 32, section 83, subsection 12,
22 including but not limited to a first responder, emergency medical technician, advanced
23 emergency medical ~~technician~~ person and paramedic, who has completed 20 to 25 years
24 of creditable service in that capacity, the number of years to be selected by the
25 participating local district and who retires at any age. The benefits ~~shall~~ must be
26 computed as follows:

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

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

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

36 **1. Removal authorized.** A law enforcement officer, humane agent, animal control
37 officer, firefighter as defined in Title 26, section 2101, ~~first responder as defined in Title~~
38 ~~32, section 83, subsection 13-A~~ or security guard licensed under Title 32, chapter 93,
39 referred to in this section as "authorized persons," may take all steps that are reasonably
40 necessary to remove an animal from a motor vehicle if the animal's safety, health or
41 well-being appears to be in immediate danger from heat, cold or lack of adequate

1 ventilation and the conditions could reasonably be expected to cause extreme suffering or
2 death.

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

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

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

11 **1. Advanced emergency medical person.** "Advanced emergency medical
12 ~~technician person~~" means an emergency medical ~~services'~~ services person licensed to
13 perform advanced emergency medical treatment.

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

16 **6. Basic emergency medical services person.** "Basic emergency medical services
17 person" means a person licensed to perform basic emergency medical treatment.
18 ~~Licensed emergency medical responders and basic emergency medical technicians are~~
19 ~~basic emergency medical services persons.~~

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

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

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

25 **16-B. Medical Direction and Practices Board.** "Medical Direction and Practices
26 Board" means the board consisting of each regional medical director, an emergency
27 physician representing the Maine Chapter of the American College of Emergency
28 Medicine Physicians, an at-large member, a toxicologist or licensed pharmacist, an
29 emergency medical services person licensed under section 85 to provide basic emergency
30 medical treatment, an emergency medical services person licensed under section 85 to
31 provide advanced emergency medical treatment, a pediatric physician, the statewide
32 ~~assistant~~ associate emergency medical services medical director and the statewide
33 emergency medical services medical director. The Medical Direction and Practices
34 Board is responsible for creation, adoption and maintenance of Maine Emergency
35 Medical Services protocols.

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

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

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

6 C. The board shall appoint a licensed physician as statewide emergency medical
7 services medical director and may appoint a licensed physician as statewide ~~assistant~~
8 associate emergency medical services medical director. These physicians shall
9 advise Maine Emergency Medical Services and shall carry out the duties assigned to
10 the medical director pursuant to this chapter, or as specified by contract. A person
11 appointed and serving as the statewide emergency medical services medical director
12 or statewide ~~assistant~~ associate emergency medical services medical director is
13 immune from any civil liability, as are employees of governmental entities under the
14 Maine Tort Claims Act, for acts performed within the scope of the medical director's
15 duties.

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

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

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

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

28 A. The board has one member representing each region and ~~44~~ 12 persons in
29 addition. Of the additional persons, one is an emergency physician, one a
30 representative of emergency medical dispatch providers, one a representative of the
31 public, one a representative of for-profit ambulance services, one an emergency
32 professional nurse, one a representative of nontransporting emergency medical
33 services, one a representative of hospitals, one a fire chief, one a representative of a
34 statewide association of fire chiefs, one a municipal emergency medical services
35 provider ~~and~~, one a representative of not-for-profit ambulance services and one a
36 representative in the field of pediatrics. The members that represent for-profit
37 ambulance services, nontransporting emergency medical services and not-for-profit
38 ambulance services must be licensed emergency medical services persons. One of the
39 nonpublic members must be a volunteer emergency medical services provider.
40 Appointments are for 3-year terms. Members are appointed by the Governor. The
41 ~~state~~ statewide emergency medical services medical director is an and statewide
42 associate emergency medical services medical director are ex officio nonvoting
43 ~~member~~ members of the board.

- 1 4. Makes the statewide associate emergency medical services medical director an ex
2 officio member of the Emergency Medical Services Board;
- 3 5. Adds a representative in the field of pediatrics to the Emergency Medical Services
4 Board; and
- 5 6. Gives the Emergency Medical Services Board the authority to deny or refuse to
6 renew an emergency medical services person license and to revoke a license.