

MAINE STATE LEGISLATURE

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L.D. 1797

Date: 3-21-22

(Filing No. H-816)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1338, L.D. 1797, "An Act To Amend the Laws Governing the Maine Length of Service Award Program"

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

Sec. 1. 5 MRSA §3372, sub-§1, ¶A-1 is enacted to read:

A-1. "Ambulance service" means an ambulance service licensed by the Emergency Medical Services' Board pursuant to Title 32, section 88.

Sec. 2. 5 MRSA §3372, sub-§1, ¶C-1 is enacted to read:

C-1. "Department" means a fire department, an ambulance service or a nontransporting emergency medical service.

Sec. 3. 5 MRSA §3372, sub-§1, ¶D, as enacted by PL 2015, c. 352, §1, is amended to read:

D. "Eligible volunteer" means a bona fide volunteer performing qualified services in a ~~municipal fire~~ department if that bona fide volunteer is:

(1) A firefighter who is an active part-time or on-call member of a ~~municipal fire~~ department or a volunteer firefighter; or

(2) An emergency medical services person or an emergency medical services ambulance operator who is duly licensed under rules and protocols established by the Emergency Medical Services' Board pursuant to Title 32, section 88 and who provides on-call, part-time or volunteer emergency medical treatment response under the direction of the chief of a municipal fire department and who is duly licensed under rules and protocols established by the Emergency Medical Services' Board pursuant to Title 32, section 88 or for an ambulance service or a nontransporting emergency medical service.

Sec. 4. 5 MRSA §3372, sub-§1, ¶D-1 is enacted to read:

COMMITTEE AMENDMENT

1 D-1. "Emergency medical services ambulance operator" has the same meaning as in
 2 Title 32, section 83, subsection 12-A.

3 **Sec. 5. 5 MRSA §3372, sub-§1, ¶D-2** is enacted to read:

4 D-2. "Emergency Medical Services' Board" means the Emergency Medical Services'
 5 Board established pursuant to Title 5, section 12004-A, subsection 15.

6 **Sec. 6. 5 MRSA §3372, sub-§1, ¶G,** as enacted by PL 2015, c. 352, §1, is repealed.

7 **Sec. 7. 5 MRSA §3372, sub-§1, ¶G-1** is enacted to read:

8 G-1. "Fire department" means an organized firefighting unit established under
 9 municipal charter or ordinance or under bylaws to prevent and extinguish fires and, if
 10 authorized by charter, ordinance or bylaw, to provide emergency services.

11 **Sec. 8. 5 MRSA §3372, sub-§1, ¶G-2** is enacted to read:

12 G-2. "Nontransporting emergency medical service" means a nontransporting
 13 emergency medical service licensed by the Emergency Medical Services' Board
 14 pursuant to Title 32, section 88.

15 **Sec. 9. 5 MRSA §3372, sub-§3, ¶A,** as enacted by PL 2015, c. 352, §1, is amended
 16 to read:

17 A. The board, as established in section 12004-G, subsection 30-E, is composed of 7 9
 18 trustees, as follows:

19 (1) Four persons who are eligible volunteers, appointed by the Governor. Three
 20 of the persons appointed under this subparagraph must be selected from a list of 6
 21 nominees submitted by a statewide federation of firefighters;

22 (2) A chief of a ~~municipal~~ fire department, appointed by the Governor and selected
 23 from a list of 3 nominees submitted by a statewide association of fire chiefs;

24 (3) A person who is qualified through training or experience in the field of
 25 investments, accounting, banking or insurance or who is an actuary, appointed by
 26 the Governor; ~~and~~

27 (4) A person designated by a statewide municipal association; and

28 (5) Two persons who are licensed as emergency medical services persons under
 29 Title 32, chapter 2-B, appointed by the Governor and selected from a list of 3
 30 nominees submitted by the Emergency Medical Services' Board.

31 **Sec. 10. 5 MRSA §3372, sub-§7,** as enacted by PL 2015, c. 352, §1, is amended to
 32 read:

33 **7. Waiver of participation.** An eligible volunteer may waive the right to participate
 34 in the program by filing with the board a written, signed and irrevocable waiver of
 35 participation that is signed by the ~~fire chief, as described in Title 30-A, section 3153,~~ of a
 36 ~~municipal fire~~ of the department of which the eligible volunteer is a member.

37 **Sec. 11. 5 MRSA §3372, sub-§9,** as enacted by PL 2015, c. 352, §1, is amended to
 38 read:

39 **9. Procedure for reporting service credit.** A ~~municipal fire~~ department shall submit
 40 a list of all persons who were eligible volunteers during a calendar year to the board for

1 review and approval by May 1st following the end of that calendar year. The list must
 2 indicate which eligible volunteers earned service credit during the calendar year and must
 3 be prepared, certified under oath by the fire chief of the municipal fire department, posted
 4 in the fire department for at least 30 days and then submitted to and received by the board
 5 by May 1st. During the 30-day posting period, an eligible volunteer must be given the
 6 opportunity to dispute the service credit shown for the eligible volunteer in accordance with
 7 law. The fire chief shall indicate in writing to the board that the list was posted for at least
 8 30 days and that all disputes regarding the service credit shown on the list as having been
 9 earned during the year have been resolved. The board, at its sole discretion, may audit a
 10 list prepared by a municipal fire department under this subsection. If the list is not received
 11 by the board by May 1st, a contribution may not be credited to the program account of any
 12 eligible volunteer whose name was or should have been reported on the list as having
 13 earned one year of service credit during the calendar year, except as provided in subsection
 14 12.

15 **Sec. 12. 5 MRSA §3372, sub-§10, ¶C**, as enacted by PL 2015, c. 352, §1, is
 16 amended to read:

17 C. A municipal fire department or a fire company or volunteer organization associated
 18 with a municipal fire department;

19 **Sec. 13. 5 MRSA §3372, sub-§11, ¶C**, as enacted by PL 2015, c. 352, §1, is
 20 amended to read:

21 C. A municipal fire department subaccount, which is an account of a participant
 22 derived from contributions from a specific municipal fire department or a fire company
 23 or volunteer organization associated with a municipal fire department to the program.
 24 A participant's municipal fire department subaccount must reflect the respective
 25 contributions from that municipal fire department or fire company or volunteer
 26 organization associated with a municipal fire department along with forfeitures,
 27 investment income or loss as well as administrative and investment expenses allocated
 28 to the subaccount and distributions paid from the subaccount. A participant's municipal
 29 fire department subaccount is subject to the vesting schedule set forth in subsection 12.

30 (1) For a given calendar year, the total contribution from a specific municipal fire
 31 department or a fire company or volunteer organization associated with a
 32 municipal fire department, if any, must be allocated equally to the municipal fire
 33 department subaccounts of the participants who are eligible volunteers of that
 34 municipal fire department or fire company or volunteer organization associated
 35 with a municipal fire department and who earned one year of service credit during
 36 that calendar year.

37 (2) Forfeitures from a participant's municipal fire department subaccount must be
 38 added to and allocated as municipal fire department contributions as designated by
 39 the municipal fire department or fire company or volunteer organization associated
 40 with a municipal fire department in the calendar year in which the forfeitures are
 41 determined to occur pursuant to subsection 13;

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

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SUMMARY

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This amendment replaces the bill. The amendment clarifies that the Emergency Medical Services' Board nominates emergency medical services persons to the Governor for service on the Maine Length of Service Award Program Board of Trustees. The amendment makes eligible for the Maine Length of Service Award Program qualified persons who volunteer with fire departments, ambulance services and nontransporting emergency medical services.

FISCAL NOTE REQUIRED

(See attached)



130th MAINE LEGISLATURE

LD 1797

LR 2443(02)

An Act To Amend the Laws Governing the Maine Length of Service Award Program

Fiscal Note for Bill as Amended by Committee Amendment *A (H-814)*

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Additional costs to the Department of Public Safety associated with reimbursing additional expenses of the board can be absorbed within existing budgeted resources.