

MAINE STATE LEGISLATURE

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Date: 4/1/24 Majority

L.D. 1515

(Filing No. H- 903)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 970, L.D. 1515, "An Act to Fund Delivery of Emergency Medical Services"

Amend the bill by striking out the title and substituting the following:

'An Act to Implement the Recommendations of the Blue Ribbon Commission to Study Emergency Medical Services in the State'

Amend the bill by inserting after the title and before the enacting clause the following:

'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, Resolve 2023, chapter 99 reestablished the Blue Ribbon Commission to Study Emergency Medical Services in the State, which was directed to examine and make recommendations on the structure, support and delivery of emergency medical services in the State; and

Whereas, the commission included in its published final report critical recommendations to ensure appropriate funding of the cost of sustaining emergency medical services in the State, to provide for necessary regulation and oversight of the emergency medical services system and to better support the resilience and sustainability of that system; and

Whereas, the expedient and efficient implementation of the commission's recommendations is necessary to support the short-term and long-term future of the emergency medical services system at a time when many emergency medical services entities are at immediate or future risk of failing and leaving their service areas without adequate access to emergency medical services; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

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

3 'Sec. 1. 5 MRSA §12004-J, sub-§21 is enacted to read:

4 **21.**
5 Emergency Medical Maine Emergency Legislative Per Diem and 32 MRSA §99
6 Services Medical Services Expenses
7 Commission

8 Sec. 2. 30-A MRSA c. 154 is enacted to read:

9 **CHAPTER 154**
10 **MUNICIPAL EMERGENCY MEDICAL SERVICES**

11 **§3171. Definitions**

12 As used in this chapter, unless the context otherwise indicates, the following terms
13 have the following meanings.

14 **1. Ambulance service.** "Ambulance service" has the same meaning as in Title 32,
15 section 83, subsection 5.

16 **2. Transporting emergency medical services.** "Transporting emergency medical
17 services" means emergency medical services provided by an ambulance service.

18 **§3172. Municipal emergency medical services**

19 **1. Adoption of plan.** The municipal officers of a municipality may adopt a plan
20 stipulating the method by which transporting emergency medical services will be delivered
21 within the municipality. A municipality that elects to adopt such a plan is not required
22 under this subsection to directly or indirectly provide or fund the delivery of transporting
23 emergency medical services within the municipality. The municipal officers may as
24 necessary amend a plan adopted pursuant to this subsection.

25 **2. Posting and submission of plan.** If a municipality adopts or amends a plan
26 pursuant to subsection 1, the municipal officers shall ensure that the plan is posted in the
27 same manner as ordinances are posted and shall submit the plan or amended plan for the
28 purpose of collecting data to the Department of Public Safety, Maine Emergency Medical
29 Services and the Maine Emergency Medical Services Commission established in Title 32,
30 section 99, subsection 1.

31 **Sec. 3. 32 MRSA §85, sub-§7, ¶A,** as amended by PL 2021, c. 587, §1, is further
32 amended to read:

33 A. Rendered in the person's capacity as an employee or contractor of the hospital or
34 health care facility;

35 **Sec. 4. 32 MRSA §99** is enacted to read:

36 **§99. Maine Emergency Medical Services Commission**

37 **1. Commission established.** The Maine Emergency Medical Services Commission,
38 referred to in this section as "the commission," is established pursuant to Title 5, section

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- 1 12004-J, subsection 21 to monitor and evaluate the State's emergency medical services
- 2 system and to provide recommendations to the appropriate state agencies and to the
- 3 Legislature regarding necessary changes in the emergency medical services system.
- 4 **2. Members.** The commission consists of 26 members as follows:
- 5 A. Three members of the Senate, including at least one member of the party holding
- 6 the largest number of seats in the Legislature and at least one member of the party
- 7 holding the 2nd largest number of seats in the Legislature, appointed by the President
- 8 of the Senate;
- 9 B. Three members of the House of Representatives, including at least one member of
- 10 the party holding the largest number of seats in the Legislature and at least one member
- 11 of the party holding the 2nd largest number of seats in the Legislature, appointed by
- 12 the Speaker of the House of Representatives;
- 13 C. The Commissioner of Health and Human Services or the commissioner's designee;
- 14 D. The director or the director's designee;
- 15 E. The chair of the board or the chair's designee;
- 16 F. A representative of the Governor's office as designated by the Governor;
- 17 G. The following 6 members, appointed by the Governor:
- 18 (1) A representative of a statewide association representing hospitals;
- 19 (2) A representative of a statewide association representing ambulance services;
- 20 (3) A representative of a statewide association representing municipalities;
- 21 (4) A representative of a statewide association representing counties;
- 22 (5) A representative of a statewide association representing fire chiefs; and
- 23 (6) A member of the public;
- 24 H. The following 5 members, appointed by the President of the Senate:
- 25 (1) A member who is employed or volunteers in the field of emergency medical
- 26 services and represents a community of 10,000 or more residents;
- 27 (2) A member who is employed or volunteers in the field of emergency medical
- 28 services and represents a community of fewer than 10,000 residents;
- 29 (3) A representative of the Maine Community College System;
- 30 (4) A member with expertise in health insurance coverage, billing and associated
- 31 matters relating to the provision of emergency medical services by a licensed
- 32 emergency medical service; and
- 33 (5) A member representing a licensed emergency medical service primarily
- 34 engaged in the provision of nonemergency medical transportation services; and
- 35 I. The following 5 members, appointed by the Speaker of the House of
- 36 Representatives:
- 37 (1) A member representing a licensed emergency medical service operating
- 38 primarily in a rural area of the State;

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- 1 (2) A member representing a licensed emergency medical service operating
- 2 primarily in a nonrural area of the State;
- 3 (3) A member who is a volunteer emergency medical services person;
- 4 (4) A representative of the state chapter of a national organization representing
- 5 emergency physicians; and
- 6 (5) A member representing an air medical transport service.
- 7 **3. Terms.** Members of the commission are appointed for 3-year terms, except that the
- 8 terms of appointment for legislative members appointed pursuant to subsection 2,
- 9 paragraphs A and B coincide with their respective legislative terms of office. Members of
- 10 the commission may serve beyond their designated terms until their successors are
- 11 appointed.
- 12 **4. Vacancies.** In the event of a vacancy on the commission, the member's unexpired
- 13 term must be filled through an appointment by the appointing authority for the vacant seat.
- 14 **5. Quorum.** A quorum of the commission consists of 14 members.
- 15 **6. First meeting; officers.** The director shall call the first meeting of the commission
- 16 as soon as all appointments are made and to the extent resources are available. At the first
- 17 meeting, the commission shall select a chair, a vice-chair, a secretary and a treasurer from
- 18 among its members. The commission may select new officers annually.
- 19 **7. Meetings.** The commission may meet as often as necessary but must meet at least
- 20 quarterly. A meeting may be called by the chair or by any 4 members. The commission
- 21 shall take and maintain minutes of all meetings.
- 22 **8. Staffing.** To the extent resources are available, the commission may employ staff
- 23 as needed.
- 24 **9. Funding.** The commission may seek, accept and expend outside funding to carry
- 25 out its duties.
- 26 **10. Duties.** The commission shall:
- 27 A. Regularly advise the Governor and officers of executive departments, the
- 28 Legislature, Maine Emergency Medical Services, licensed emergency medical services
- 29 and emergency medical services persons and any other parties affected by the
- 30 commission's recommendations regarding emergency medical services;
- 31 B. Submit a report containing the results of the commission's studies, findings and
- 32 recommendations to the Governor and to the joint standing committee of the
- 33 Legislature having jurisdiction over public safety matters by January 1, 2025 and
- 34 annually thereafter. As resources permit, the report must include, but is not limited to:
- 35 (1) An assessment of existing and needed resources and expected resource needs
- 36 within the State's emergency medical services system and recommendations for
- 37 funding those needs;
- 38 (2) An evaluation of existing emergency medical services programs, initiatives
- 39 and resources, including recommendations for improvements, new programs and
- 40 initiatives and funding options for oversight and administration of the State's
- 41 emergency medical services system;

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1 (3) Recommendations regarding effective management of resources within the
2 State's emergency medical services system, enhancing the collection and
3 distribution of emergency medical services data, methods to evaluate the State's
4 emergency medical services system and recruitment and retention of emergency
5 medical services persons, both paid and volunteer; and

6 (4) The status of municipal emergency medical services plans adopted and
7 submitted pursuant to Title 30-A, section 3172 and an analysis of those plans.

8 After reviewing the report submitted under this paragraph, the committee may report
9 out legislation relating to the report;

10 C. Adopt rules of procedure necessary to carry out the commission's duties. Rules
11 adopted pursuant to this paragraph are routine technical rules as defined in Title 5,
12 chapter 375, subchapter 2-A; and

13 D. Conduct public hearings, conferences, workshops and other meetings to obtain
14 information about and discuss and publicize the needs of and solutions to problems
15 concerning the State's emergency medical services system.

16 **Sec. 5. Staggered terms.** Notwithstanding the Maine Revised Statutes, Title 32,
17 section 99, subsection 3, of the initial appointments made to the Maine Emergency Medical
18 Services Commission under Title 32, section 99, subsection 2, paragraphs G, H and I, each
19 appointing authority shall appoint 2 members for terms of 3 years, 2 members for terms of
20 2 years and the remaining members for terms of one year.

21 **Sec. 6. Maine Emergency Medical Services funding needs analysis; report.**
22 The Department of Public Safety, Maine Emergency Medical Services shall conduct a
23 funding needs analysis of communities seeking to engage in regional collaboration or the
24 adoption of a regional model in the delivery of emergency medical services.

25 On or before March 1, 2025, Maine Emergency Medical Services shall submit a report
26 describing the findings of its analysis and including recommendations and any proposed
27 legislation to the joint standing committee of the Legislature having jurisdiction over public
28 safety matters. After reviewing the report, the committee may report out legislation relating
29 to the report to the 132nd Legislature in 2025.

30 **Sec. 7. Maine Emergency Medical Services structural reorganization**
31 **proposal.** By December 31, 2024, the Department of Public Safety, Maine Emergency
32 Medical Services shall submit to the joint standing committee of the Legislature having
33 jurisdiction over public safety matters a report, including proposed draft legislation, for the
34 reorganization of the Emergency Medical Services' Board, established in the Maine
35 Revised Statutes, Title 5, section 12004-A, subsection 15, consistent with the document
36 titled "Maine EMS: Two-Year Action Plan" published by Maine Emergency Medical
37 Services on October 27, 2023. The report must include, but is not limited to, identification
38 of the necessary statutory changes and funding needs associated with the reorganization of
39 the Emergency Medical Services' Board and any associated structural and organizational
40 changes within Maine Emergency Medical Services and within the state and regional
41 governance system for the emergency medical services program, as outlined in the
42 document titled "Maine EMS: Two-Year Action Plan." After reviewing the report, the
43 committee may report out legislation relating to the report to the 132nd Legislature in 2025.

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1 **Sec. 8. Maine Emergency Medical Services public information campaign;**
2 **report.** The Department of Public Safety, Maine Emergency Medical Services shall, as
3 resources allow, develop and, not later than July 1, 2025, implement a public information
4 campaign designed to enhance the public's understanding and appreciation of the delivery
5 of emergency medical services, the design and funding of the emergency medical services
6 system in the State and the essentiality of the services provided by emergency medical
7 services entities.

8 On or before January 15, 2025, Maine Emergency Medical Services shall submit a
9 report to the joint standing committee of the Legislature having jurisdiction over public
10 safety matters regarding its development and anticipated implementation of the public
11 information campaign required under this section. The report must include, but is not
12 limited to, an assessment of the resource needs associated with the public information
13 campaign and identification of any anticipated resource needs not currently available
14 within the existing budgeted resources of Maine Emergency Medical Services necessary
15 for successful implementation of the campaign. After reviewing the report, the committee
16 may report out legislation relating to the report to the 132nd Legislature in 2025.

17 **Sec. 9. Appropriations and allocations.** The following appropriations and
18 allocations are made.

19 **LEGISLATURE**

20 **Legislature 0081**

21 Initiative: Appropriates funds for the ongoing costs of Legislators serving on the Maine
22 Emergency Medical Services Commission.

23	GENERAL FUND	2023-24	2024-25
24	Personal Services	\$660	\$660
25	All Other	\$1,440	\$2,880
26			
27	GENERAL FUND TOTAL	<u>\$2,100</u>	<u>\$3,540</u>

28
29 **LEGISLATURE**
30 **DEPARTMENT TOTALS**

31		2023-24	2024-25
32	GENERAL FUND	\$2,100	\$3,540
33			
34	DEPARTMENT TOTAL - ALL FUNDS	<u>\$2,100</u>	<u>\$3,540</u>

35 **PUBLIC SAFETY, DEPARTMENT OF**
36 **Emergency Medical Services 0485**

37 Initiative: Provides one-time funding for a consultant to perform a funding needs analysis
38 of communities seeking to engage in regional collaboration or the adoption of a regional
39 model in the delivery of emergency medical services.

40	GENERAL FUND	2023-24	2024-25
41	All Other	\$0	\$150,000
42			
43	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$150,000</u>

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PUBLIC SAFETY, DEPARTMENT OF		
DEPARTMENT TOTALS	2023-24	2024-25
GENERAL FUND	\$0	\$150,000
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$150,000
SECTION TOTALS	2023-24	2024-25
GENERAL FUND	\$2,100	\$153,540
SECTION TOTAL - ALL FUNDS	\$2,100	\$153,540

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.'

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

SUMMARY

This amendment, which is the majority report of the committee, replaces the bill and changes the title. It adds an emergency preamble and emergency clause and does the following.

1. It establishes a permanent Maine Emergency Medical Services Commission to monitor and evaluate the State's emergency medical services system on a continuing basis and to provide recommendations to the appropriate state agencies and to the Legislature regarding necessary changes in the emergency medical services system.

2. It permits the municipal officers of a municipality to adopt and post a plan stipulating the method by which transporting emergency medical services will be delivered within the municipality. A municipality is not required to directly or indirectly provide or fund the delivery of transporting emergency medical services within the municipality.

3. It amends the Maine Emergency Medical Services Act of 1982 to authorize an emergency medical services provider to render emergency medical services within a hospital or health care facility where the provider is a contractor of the hospital or facility.

4. It directs the Department of Public Safety, Maine Emergency Medical Services to conduct a funding needs analysis of communities seeking to engage in regional collaboration or the adoption of a regional model in the delivery of emergency medical services and to submit a report describing the findings of its analysis and any associated recommendations on or before March 1, 2025 to the joint standing committee of the Legislature having jurisdiction over public safety matters. The committee may report out related legislation.

5. It directs the Department of Public Safety, Maine Emergency Medical Services to submit to the joint standing committee of the Legislature having jurisdiction over public

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COMMITTEE AMENDMENT "A" to H.P. 970, L.D. 1515

1 safety matters by December 31, 2024 a proposal, including draft legislation, regarding the
2 reorganization of the Emergency Medical Services' Board consistent with the document
3 titled "Maine EMS: Two-Year Action Plan" published by Maine Emergency Medical
4 Services on October 27, 2023. The committee may report out related legislation.

5 6. It directs the Department of Public Safety, Maine Emergency Medical Services, as
6 resources allow, to develop and, not later than July 1, 2025, implement a public information
7 campaign designed to enhance the public's understanding and appreciation of the delivery
8 of emergency medical services, the design and funding of the emergency medical services
9 system in the State and the essentiality of the services provided by emergency medical
10 services entities. On or before January 15, 2025, Maine Emergency Medical Services is
11 required to submit a report to the joint standing committee of the Legislature having
12 jurisdiction over public safety matters regarding its development and anticipated
13 implementation of the public information campaign. The committee may report out related
14 legislation.

15 **FISCAL NOTE REQUIRED**

16 (See attached)



131st MAINE LEGISLATURE

LD 1515

LR 2333(02)

An Act to Fund Delivery of Emergency Medical Services

Fiscal Note for Bill as Amended by Committee Amendment *A (H-903)*

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

Fiscal Note

Legislative Cost/Study

	FY 2023-24	FY 2024-25	Projections FY 2025-26	Projections FY 2026-27
Net Cost (Savings)				
General Fund	\$2,100	\$153,540	\$3,564	\$3,588
Appropriations/Allocations				
General Fund	\$2,100	\$153,540	\$3,564	\$3,588

Legislative Cost/Study

The bill provides an ongoing appropriation of \$2,100 in 2023-24 and \$3,540 in 2024-25 for the costs of Legislators serving on the Maine Emergency Medical Services Commission.

Fiscal Detail and Notes

The bill includes a one-time General Fund appropriation of \$150,000 in fiscal year 2024-25 to the Department of Public Safety for a consultant to perform a funding needs analysis of communities seeking to engage in regional collaboration or the adoption of a regional model in the delivery of emergency medical services.

Additional costs to the Office of the Governor, the Maine Community College System, the Department of Health and Human Services and the Department of Public Safety associated with a representative serving on the commission can be absorbed within existing budgeted resources.