

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

LAWS  
OF THE  
STATE OF MAINE

AS PASSED BY THE

One Hundred and Seventh Legislature

AT THE

1ST SPECIAL SESSION

JANUARY 19, 1976 TO APRIL 29, 1976

AND

2ND SPECIAL SESSION

JUNE 14, 1976

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN  
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 164, SUBSECTION 6.

---

PORTLAND LITHOGRAPH COMPANY  
PORTLAND, MAINE  
1977

**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
One Hundred and Seventh Legislature  
AT THE FIRST SPECIAL SESSION  
January 19, 1976 to April 29, 1976  
AND THE SECOND SPECIAL SESSION  
June 14, 1976

Supplementary to the Acts and Resolves of the Regular Session

[supplied from page 3097 of volume]

son, the university, any university employee, any university employee organization, the academy, any academy employee, any academy employee organization or any bargaining agent has engaged in or is engaging in any such prohibited practice may file a complaint with the executive director of the board stating the charges in that regard. No such complaint shall be filed with the executive director until the complaining party shall have served a copy thereof upon the party named in the complaint. Upon receipt of such complaint, the executive director or his designee shall review the charge to determine whether the facts as alleged may constitute a prohibited act. If it is determined that the facts do not, as a matter of law, constitute a violation, the charge shall be dismissed by the executive director, subject to review by the board. If a formal hearing is deemed necessary by the executive director or by the board, the executive director shall serve upon the parties to the complaint a notice of the prehearing conference and of the hearing for the prehearing conference or the hearing, as appropriate, provided that no hearing shall be held based upon any alleged prohibited practice occurring more than 6 months prior to the filing of the complaint with the executive director. The party complained of shall have the right to file a written answer to the complaint and to appear in person or otherwise and give testimony at the place and time fixed for the hearing. In the discretion of the board, any other person or organization may be allowed to intervene in that proceeding and to present testimony. Nothing in this subsection shall restrict the right of the board to require the executive director or his designee to hold a prehearing conference on any prohibited practice complaint prior to the hearing before the board and taking whatever action, including dismissal, attempting to resolve disagreements between the parties or recommending an order to the board, as he may deem appropriate, subject to review by the board.

Sec. 17. 26 MRSA § 1029, sub-§ 7, 3rd sentence, as enacted by PL 1975, c. 603, § 1, is amended to read:

Pending review and upon application of any part ~~of~~ in interest, the court may grant such temporary relief or restraining order and may impose such terms and conditions as it deems just and proper; provided that the board's decision or order shall not be stayed, except where it is clearly shown to the satisfaction of the court that substantial and irreparable injury will be sustained.

Sec. 18. PL 1975, c. 671, § 23, is repealed.

Sec. 19. Effective date. Sections 16 and 18 of this Act shall become effective 91 days after adjournment of the Legislature.

Effective July 29, 1976

---

## CHAPTER 698

### AN ACT to Redefine the Administration of Medication in the Nursing Practice Act.

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

Whereas, the 107th Legislature identifies as a serious problem the administration of medication to persons who are confined to correctional facilities or who reside in facilities such as nursing, boarding and foster homes; and

Whereas, individuals who administer medication to persons in these facilities are often not licensed health care professionals; and

Whereas, it is alleged that individuals who are not licensed health care professionals are unable to safely administer drugs to persons in these facilities; and

Whereas, a solution to this problem of administering medication has not yet been found; 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,

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

Sec. 1. 32 MRSA § 72, sub-§§ 3 and 4, as last amended by PL 1973, c. 319, are repealed and the following enacted in place thereof:

3. Ambulance personnel. "Ambulance personnel" means individuals responsible for the emergency care and protection of the patient in preparation for transportation or during transportation. All ambulances shall carry at least one licensed personnel or a physician or an osteopathic physician or a registered nurse or licensed practical nurse. The licensed personnel, physician, osteopathic physician, registered nurse or licensed practical nurse must at all times be physically present in that section of the ambulance where the patient is placed.

4. Ambulance service. "Ambulance service" means any organization or any person or persons who routinely provide emergency care or transportation for ill or injured persons.

Sec. 2. 32 MRSA § 72, sub-§§ 6 to 8 are enacted to read:

6. Emergency treatment. "Emergency treatment" means care given to and directed at improving the vital signs and general condition of a sick or injured person, in order to prevent the deterioration of the person's condition. Any emergency treatment given to a sick or injured person shall be consistent with the training of the licensed person who gives the treatment.

7. Advanced emergency treatment. "Advanced emergency treatment" means emergency treatment given to a sick or injured person which is conducted:

A. Under the direction of a physician present at the site of the emergency;  
or

B. By verbal or standing order from a physician.

Any advanced emergency treatment given to a sick or injured person shall be

consistent with the training of the licensed person who gives the treatment.

8. Emergency care. "Emergency care" means emergency treatment or advanced emergency treatment.

Sec. 3. 32 MRSA § 73, sub-§ 6, as last amended by PL 1975, c. 417, § 2, is repealed and the following enacted in place thereof:

6. Procedures. The Department of Human Services shall adopt such forms, rules, regulations, procedures and records as may be necessary to fulfill the purposes of this chapter. In the rules pursuant to this chapter, the department may define and approve the level of emergency medical training required for a licensed persons to administer emergency treatment procedures and advanced emergency treatment procedures. Prior to the promulgation of or any change in such rules and regulations, the department shall hold a public hearing of which at least 7 days' notice has been given in the appropriate newspapers throughout the State. Any rules and regulations may be adopted only after a public review period of 60 days following the public hearing. Licenses shall be annual licenses based on the date of issuance, except that the department may issue conditional licenses for lesser periods of time.

Sec. 4. 32 MRSA § 73, sub-§ 7, as last amended by PL 1975, c. 623, § 49-B, is amended by inserting at the end the following new sentence:

Any licensed ambulance personnel is authorized to administer emergency treatment procedures.

Sec. 5. 32 MRSA § 2258-A, as enacted by PL 1973, c. 535, and as amended by PL 1973, c. 737, § 2, is further amended to read:

#### § 2258-A. Administration of medication

Any employee of any institution under the control of the Department of Mental Health and Corrections or of an institution licensed by the State as a hospital, nursing home, extended care facility or boarding home who, in the exercise of due care, is authorized by the head of such institution or his designee to perform selected activities in the administration of medications and any person who, in the exercise of due care, is delegated such functions by a licensed allopathic or osteopathic physician shall be immune from criminal prosecution and civil liability for any such administration of medication prior to ~~June 20, 1973 and until July 1, 1975~~ July 1, 1977, but not thereafter.

Sec. 6. Cooperation. The Department of Human Services and the various health care licensure boards shall provide the Joint Standing Committee on Health and Institutional Services of the Legislature with such information and technical assistance as the committee deems necessary to carry out any examination of the licensure of various health care professionals and personnel.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.