

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

SECOND SPECIAL SESSION

September 25, 1981

AND

THIRD SPECIAL SESSION

December 9, 1981

AND

SECOND REGULAR SESSION

January 6, 1982 to April 13, 1982

AND AT THE

FOURTH SPECIAL SESSION

April 28, 1982 to April 29, 1982

AND AT THE

FIFTH SPECIAL SESSION

May 13, 1982

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

J.S. McCarthy Co.
Augusta, Maine
1981

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND AND THIRD SPECIAL SESSIONS

and

SECOND REGULAR SESSION

and

FOURTH AND FIFTH SPECIAL SESSIONS

of the

ONE HUNDRED AND TENTH LEGISLATURE

1981

including expenses for expert witnesses, and per diems and travel expenses for legislative and nonlegislative members, the sum of \$2500.

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

Effective April 9, 1982.

CHAPTER 661

H.P. 2234 - L.D. 2092

AN ACT Concerning Maine Emergency Medical Services.

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

Sec. 1. 32 MRSA c. 2-A, as amended, is repealed.

Sec. 2. 32 MRSA c. 2-B is enacted to read:

CHAPTER 2-B

MAINE EMERGENCY MEDICAL SERVICES ACT OF 1982

§81. Title

This chapter may be cited as the "Maine Emergency Medical Services Act of 1982."

§82. Requirement for license

1. Licenses required. No ambulance service, ambulance, first responder service or emergency medical services' person may operate unless duly licensed by the Department of Human Services pursuant to this chapter, except as stated in subsection 2.

Failure of an ambulance, ambulance service or first responder service to obtain licensure shall make that individual or organization subject to a fine of not more than \$500 or by imprisonment for not more than 6 months, unless other penalties are specified.

2. Licenses not required. A Maine license shall not be required for:

A. Ambulance services and ambulances licensed in another state or province, provided that they do not have a base of operation in Maine and do not routinely pick up patients from the scene of their illness or injury in Maine and do not routinely carry patients between points both of which are in Maine;

B. Ambulance services, ambulances, first responder services and emergency medical services' persons responding into Maine from out-of-state in response to civil emergencies or natural disasters;

C. Ambulance services, ambulances, first responder services and emergency medical services' persons responding into Maine from out-of-state pursuant to department approved mutual aid agreements with Maine licensed services;

D. A licensed physician;

E. A person serving as an industrial nurse or safety officer, a school or camp nurse, a life guard, a ski patrolman, a nurse or technician in a hospital or a physician's office, or other similar occupation in which the person provides on-site emergency treatment at a single facility to the patrons or employees of that facility; or

F. A person serving as a medical technician with the United States Armed Forces, the Maine Army National Guard or the Maine Air National Guard.

When any doubt exists as to the applicability of this section to any person or service, that person or service shall seek an advisory opinion from the department.

§83. Definitions

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

1. Advanced emergency medical technician. "Advanced emergency medical technician" means an emergency medical services' person licensed to perform advanced emergency medical treatment.

2. Advanced emergency medical treatment. "Advanced emergency medical treatment" means those portions of emergency medical treatment, as defined by the department, which

may be performed by persons licensed under this chapter only when they are acting under the supervision of an appropriate physician and within a system of emergency care approved by the department.

3. Ambulance. "Ambulance" means any vehicle, whether an air, ground or water vehicle, that is designed, constructed or routinely used or intended to be used for the transportation of patients. The licensing of these vehicles is in addition to any registration required by other authorities. For the purposes of this chapter, vehicles operated by the Maine Army National Guard, Maine Air National Guard or the United States Armed Forces shall not be considered ambulances.

4. Ambulance equipment. "Ambulance equipment" means those materials and devices which are carried in ambulances.

5. Ambulance service. "Ambulance service" means any person, persons or organization which holds itself out to be a provider of transportation of ill or injured persons or which routinely provides transportation for ill or injured persons. For the purposes of this chapter, the Maine Army National Guard, Maine Air National Guard and the United States Armed Forces shall not be considered ambulance services.

6. Basic emergency medical services' person. "Basic emergency medical services' person" means a person licensed to perform basic emergency medical treatment. Licensed ambulance attendants and basic emergency medical technicians are basic emergency medical services' persons.

7. Basic emergency medical technician. "Basic emergency medical technician" means a basic emergency medical services' person who has successfully completed the United States Department of Transportation course for emergency medical treatments and has met the other requirements for licensure at this level.

8. Basic emergency medical treatment. "Basic emergency medical treatment" means those portions of emergency medical treatment, as defined by the department, which may be exercised by licensed emergency medical services' personnel acting under their own authority.

9. Commissioner. "Commissioner" means the Commissioner of Human Services.

10. Department. "Department" means the Department of Human Services.

11. Emergency Medical Services' Advisory Board. "Emergency Medical Services' Advisory Board" means the board appointed by the Governor which advises the department on matters subject to this chapter.

12. Emergency medical services' person. "Emergency medical services' person" means any person who routinely provides emergency medical treatment to the sick or injured.

13. Emergency medical treatment. "Emergency medical treatment" means those skills, techniques and judgments, as defined by the department, which are directed to maintaining, improving or preventing the deterioration of the medical condition of the patient and which are appropriate to be delivered by trained persons at the scene of a patient's illness or injury outside the hospital and during transportation to the hospital.

14. First responder service. "First responder service" means any organization, person or persons who hold themselves out as providers of emergency medical treatment and who do not routinely provide transportation to ill or injured persons, and who routinely offer or provide services to the general public beyond the boundaries of a single recreational site, business, school or other facility. For the purposes of this chapter, a physician making house calls as a part of ordinary medical practice is not considered to be a first responder service.

A first responder service must have an agreement with a licensed ambulance service, to ensure continuity of care and adequate transportation for its patients. An ambulance service is not required to approve of or enter into an agreement with a first responder service.

15. License. "License" means a full, temporary, provisional or conditional license issued by the department under this chapter.

16. Licensed ambulance attendant. "Licensed ambulance attendant" means a basic emergency medical person who has completed the minimum training specified in section 85, subsection 2 and has met the other conditions specified in regulations under this chapter for licensure at this level.

17. Medical control physician. "Medical control physician" means a physician who supervises advanced emergency medical technicians.

18. Office of Emergency Medical Services. "Office of Emergency Medical Services" means whatever administrative unit of the department is assigned responsibility for carry-

ing out the purposes of this chapter.

19. Protocol. "Protocol" means the written statement, representing a consensus of the physicians of an emergency medical services' region and filed with the department, specifying the conditions under which some form of emergency medical care is to be given by emergency medical services' persons.

20. Regional councils. "Regional councils" means those groups recognized by the department which represent the various regions of the State, as designated by the department, with respect to matters subject to this chapter.

21. Regions. "Regions" means those geographical areas of the State designated by the department to be represented by a regional council.

22. Statewide emergency medical services' medical director. "Statewide emergency medical services' medical director" means a licensed physician appointed by the commissioner.

§84. Department: powers and duties; goals; work plans

1. Powers and duties. The department has the following powers and duties.

A. The department shall conduct an emergency medical services' program to fulfill the purposes, requirements and goals of this chapter. The department shall adopt such forms, regulations, procedures, testing requirements and records as may be appropriate to carry out the purposes, requirements and goals of this chapter.

B. Notwithstanding any other provision of law, any rule-making hearing held under this chapter and required by the Maine Administrative Procedure Act, Title 5, chapter 375, shall be conducted by the Director of the Office of Emergency Medical Services or a person in a major policy-influencing position, as defined in Title 5, section 711, who has responsibility over the subject matter of the proposed rule.

C. The department, through the commissioner, shall appoint a licensed physician as statewide emergency medical services' medical director. The physician shall advise the Office of Emergency Medical Services and shall carry out the duties assigned to the medical director by this chapter and by regulations promulgated thereunder.

D. Regulations promulgated pursuant to this chapter shall include, but not be limited to, the following:

(1) The composition of regional councils and the process by which they come to be recognized as representing their regions;

(2) The manner in which regional councils shall report their activities and finances, and the manner in which those activities shall be carried out under this chapter;

(3) The designation of regions within the State;

(4) The requirements for licensure for all vehicles, persons and services subject to this chapter, and including training and testing of personnel; and

(5) Fees to be charged for licenses under this section, except that no fee may be charged for the licensing of emergency medical services' persons under this chapter.

2. Goals. The department shall establish and pursue its goals as follows.

A. The department shall monitor the provision of emergency medical services within the State. The department shall establish, by regulation, its goals in monitoring the provision of services and in insuring that these services are appropriately delivered. These goals shall be in the nature of objectives and shall not constitute absolute requirements.

B. In each year, and in conjunction with the preparation of the emergency medical services' report, the director with the advice of the board shall prepare a list of those among the goals which most need to be pursued in the succeeding year. This list shall be made available to the regional councils so that they may propose projects to further particular goals within their own regions.

C. In pursuing these goals, the department may make grants to the regional councils for projects they have proposed, and which the department has determined are consistent with the requirements and goals of this chapter; contract for services; cooperate with other departments or agencies; accept and disburse granted funds; or act in other lawful ways as may best serve the public good.

3. Work plans. Each year, the department shall issue an emergency medical services' report indicating:

A. The extent to which the emergency medical system was used throughout the State, and the incidence of various medical conditions which called it into service;

B. The extent and nature of the continuing programs of training and support for emergency medical services carried out by the regional councils and the Office of Emergency Medical Services;

C. The extent to which the goals laid down in this chapter were pursued, and with what success;

D. The plan, for the coming year, to pursue the various goals; and

E. The income and expenditures of the Office of Emergency Medical Services and of the regional councils.

§85. Emergency medical persons

1. Basic and advanced skills. With advice from and in consultation with each regional council and its medical control committee and with the statewide emergency medical services' medical director, the department may provide, by regulation, which skills, techniques and judgments constitute a basic emergency medical treatment.

2. Advanced emergency medical treatment. With the advice and consultation noted in subsection 1, the department may provide, by regulation, which advanced skills, techniques and judgments may be supervised by a physician by means of standing orders, by voice radio and by other means. Nothing in this section may preclude protocols in a particular region from imposing controls more strict than those permitted by the department's regulations on the use of a skill, technique or judgment. In every case, advanced emergency medical treatment shall be given in accordance with protocols.

The department may establish by regulation appropriate licensure levels for advanced emergency medical technicians and fix the qualifications for persons to hold those licenses.

3. Minimum requirements for licensing. In setting regulations for the licensure of emergency medical services' persons, the department shall insure that no person is licensed to care for patients unless his qualifications are at

least those specified in this subsection. Any person who meets these conditions shall be considered to have the credentials and skill demonstrations necessary for the licensed ambulance attendant level of licensure to provide basic emergency medical treatment.

A. The person must have completed successfully the United States Department of Transportation course for first responders or completed successfully the American Red Cross Advanced First Aid and Emergency Care Course, with supplemental training in extrication, oxygen administration and airway care, patient evaluation and taking of vital signs.

B. The person must have successfully completed the American Heart Association basic rescuer course in cardiopulmonary resuscitation or its American Red Cross equivalent.

C. The person must have successfully completed a state written and practical test for basic emergency medical treatment.

D. The person must be sponsored by a Maine licensed ambulance service or first responder service.

The department may set by regulation intervals at which these qualifications must be renewed and appropriate courses and testing for that renewal.

§86. Ambulance services and first responder services

1. Ambulance services and first responder to be licensed. Every ambulance service and first responder service shall be licensed and shall operate in accordance with the regulations adopted for such services under this chapter and shall carry the equipment called for in those regulations.

2. Care of patient. Whenever an ambulance transports a patient from the scene of an emergency, the patient shall be cared for by a physician or by a person licensed under this chapter to provide emergency medical care. Whenever an ambulance transports a patient from a hospital or other health-care facility to another place, the patient shall be cared for by:

A. The physician in charge of the patient's case, by a person licensed under this chapter or by a professional nurse; or

B. A licensed practical nurse, or other person appropriately trained to care for the patient, acting under

orders from the patient's physician.

The person specified in this subsection as caring for the patient shall accompany the patient in the portion of the ambulance where the patient rides.

3. Air transportation. Any patient transported by air must be flown on a service licensed under Federal Aviation Regulations, Part 135 or Part 121. In such an instance, the flight shall be deemed to be an air ambulance, and the patient must be cared for as provided in subsection 2.

§87. Ambulances

Each ambulance shall be licensed pursuant to this chapter. It shall also meet the design criteria and shall be equipped as specified in regulations adopted under this chapter.

§88. Emergency Medical Services' Advisory Board

1. Composition; rules; meetings. The board's composition, conduct and compensation shall be as follows.

A. The board shall have one member representing each regional council, and 7 persons in addition. Of the additional persons, one shall be a physician, one an attorney, one a representative of the public, one a representative of for-profit ambulance services, one a professional nurse, one a representative of first responder services and one a representative of not-for-profit ambulance services. The members shall serve for 3-year terms, and shall be appointed by the Governor.

B. The board shall elect its own chairman. It may adopt internal rules, that shall require, among other things, that the term of a member who does not attend regularly be ended. In such a case, another person shall be appointed by the Governor. The Office of Emergency Medical Services shall provide such staff as is practicable to the board and shall maintain the board's records and files.

C. The board shall meet at least quarterly, and shall also meet at the call of its chairman or of the department. When the board meets, its members shall be paid their travel costs and expenses, plus \$20 each day. The same fees shall be paid to board members conducting hearings under this chapter.

2. Functions. The board shall perform the following

functions.

A. The board shall advise the department on the conduct of the emergency medical services' program.

B. The board shall hold public hearings on any proposed changes in the regulations allowed for in this chapter. Hearings held pursuant to this section are not subject to the Maine Administrative Procedure Act, Title 5, chapter 375. In order to encourage participation in these hearings by volunteers, the board shall hold 2 hearings in each region. Each hearing shall be held in the evening. At least 2 members of the board shall attend each hearing.

C. The board shall review applications for new licenses for ambulance and first responder services. It shall make recommendations to the department concerning the new license applications. It may do so for renewed applications.

§89. Regions and regional councils

1. Regions to be established; regional councils. The commissioner shall delineate regions within the State for the purposes of this chapter. The commissioner shall set out conditions under which an organization in each region may be recognized by the department as the regional council for that region. A regional council shall, at least, provide adequate representation for ambulance and rescue services, emergency room physicians and nurses, each hospital and the general public. A regional council shall be structured to adequately represent each major geographical part of its region. Only one regional council shall be recognized in any region.

2. Duties of regional councils. The regional councils shall function as the primary planning and operational units of the statewide emergency medical services' system. Each regional council shall carry out an annual program, approved by the department, to further the goals specified in section 84, subsection 2. Specific responsibilities of the councils include, but are not limited to, the following:

A. The establishment of a regional medical control committee;

B. The appointment of a regional medical director, who shall be a licensed physician;

C. Advising the department on the licensing of new ambulance, first responder and air ambulance services

within each region;

D. Assisting the department in carrying on a program of testing emergency medical services' persons within each region, subject to availability of financial resources for the testing;

E. Developing a certification and decertification process for advanced emergency medical services' persons within each region; and

F. Nominating 2 or more candidates from each council for a position on the Emergency Medical Services' Advisory Board, from whom the Governor may select a member.

§90. Appeals

Any person or organization, which is aggrieved by the decision of the department in refusing to issue or review a license, may claim a hearing pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375.

Whenever the department decides to revoke or suspend a license, it shall do so by filing a complaint with the Administrative Court pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375. The department may seek an emergency suspension, to be in effect for no more than 30 days, from the Administrative Court pursuant to Title 4, section 1153.

Effective July 13, 1982.

CHAPTER 662

H.P. 2256 - L.D. 2104

AN ACT Concerning the Regulation of Atlantic Salmon.

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

Whereas, Atlantic salmon are returning to Maine rivers