

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

SECOND SPECIAL SESSION

December 12, 1991 to January 7, 1992

SECOND REGULAR SESSION

January 8, 1992 to March 31, 1992

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1992

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1992

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

dependent of the debtor and the debtor's interest in a wedding ring and an engagement ring.

5. Tools of the trade. The debtor's aggregate interest, not to exceed ~~\$1,000~~ \$5,000 in value, in any implements, professional books or tools of the trade of the debtor or the trade of a dependent of the debtor, including, but not limited to, power tools, materials and stock designed and procured by him the debtor and necessary for carrying on his the debtor's trade or business and intended to be used or wrought therein in that trade or business.

Sec. 3. 14 MRSA §4422, sub-§14, ¶D, as enacted by PL 1981, c. 431, §2, is amended to read:

D. A payment, not to exceed ~~\$7,500~~ \$12,500, on account of personal bodily injury, not including pain and suffering or compensation for actual pecuniary loss, of the debtor or an individual of whom the debtor is a dependent; or

Sec. 4. 14 MRSA §4422, sub-§16, as enacted by PL 1981, c. 431, §2, is amended to read:

16. Unused residence exemption. The debtor's interest, equal to any unused amount of the exemption provided under subsection 1 but not exceeding ~~\$4,500~~ \$6,000, in any property exempt under subsections 3; and 5 and subsection 14, paragraph D.

See title page for effective date.

CHAPTER 742

H.P. 1491 - L.D. 2103

An Act to Amend the Laws Governing Emergency Medical Technicians

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

Sec. 1. 32 MRSA §85, sub-§2, as amended by PL 1991, c. 588, §13, is further amended to read:

2. Advanced emergency medical treatment. With the advice and consultation noted in subsection 1, the board may provide, by rule, 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 board's rules on the use of a skill, technique or judgment. In every case, advanced emergency medical treatment must be given in accordance with protocols.

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

~~For those individuals licensed at the advanced level, the board shall establish through rules the criteria for licensure to include the requirements for renewal. Renewal at the advanced level is not contingent upon renewal of a basic emergency medical technician license, but may be as a result of demonstrated competence at the basic level and advanced levels. The demonstrated competence at the basic level for advanced license renewal may be any combination of requirements, as established by the board, to include continuing education requirements, passage of a written or practical test, or both, or the successful passage of a refresher course. A person licensed at the advanced level is considered as being licensed at the basic level.~~

Sec. 2. 32 MRSA §85, sub-§3, as amended by PL 1991, c. 613, is further amended to read:

3. Minimum requirements for initial licensing. In setting rules for the initial licensure of emergency medical services persons, the board shall ensure that a person is not licensed to care for patients unless that person's qualifications are at least those specified in this subsection. Any person who meets these conditions is considered to have the credentials and skill demonstrations necessary for the 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, with supplemental training specified in rules adopted by the board pursuant to the Maine Administrative Procedure Act, or completed successfully the American Red Cross Advanced First Aid and Emergency Care Course, with supplemental training specified in rules adopted by the board pursuant to the Maine Administrative Procedure Act.

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 board may set by rule intervals at which these qualifications must be renewed and appropriate courses and testing for that renewal.~~

For those individuals who are licensed or who relicense as ~~basic emergency medical technicians~~ after September 1, 1986, ~~and who are not licensed at the advanced level, the basic emergency medical technician~~ the license is for a 3-year period. Licensure includes, but is not limited to, annual verification, as determined by the board through rules. To maintain a valid license, a basic emergency medical technician must meet the criteria as set out in this subsection. If those criteria are not met, a person does not hold a valid license and must reapply for licensure.

Sec. 3. 32 MRSA §85, sub-§4 is enacted to read:

4. Minimum requirements for relicensing. The board shall set by rule the interval license and relicensing requirements for emergency medical services persons. A person who is duly licensed in Maine as an emergency medical services person must be issued a renewal license if the following requirements are met:

A. The person must have satisfactorily completed relicensure training as defined in the rules; and

B. The person must have satisfactorily demonstrated competence in the skills required for the license level. Skill competence may be satisfied by a combination of run report reviews and continuing education training programs conducted in accordance with the rules or by satisfactorily completing the state written and practical tests.

If the person is not duly licensed at the time of application, the person must demonstrate skill and knowledge by satisfactorily completing the state written and practical tests as defined in the rules.

To maintain a valid license, an emergency medical services person must meet the criteria set out in this section. If those criteria are not met, a person does not hold a valid license and must reapply for licensure.

Sec. 4. 32 MRSA §88, sub-§1, ¶A, as amended by PL 1991, c. 588, §16, is further amended to read:

A. The board has one member representing each regional council, and 7 persons in addition. Of the additional persons, one is 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 that represent for-profit ambulance services, first responder services and not-for-profit ambulance services must be licensed emergency medical services' persons. Appointments are for 3-year terms. Members must be appointed by the Governor. The state medical director is an ex officio nonvoting member of the board.

Sec. 5. Transition. Current members of the board may complete their terms. The provisions of section 4 apply to members appointed by the Governor after the effective date of this Act.

See title page for effective date.

CHAPTER 743

H.P. 1458 - L.D. 2070

An Act to Ensure the Retention of Utility Lines Crossing Railroad Property

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

Sec. 1. 35-A MRSA §2311, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

§2311. Lines along railroads; application to Public Utilities Commission when disagreement

A person maintaining or operating a telephone or electric line may construct a line upon or along any railroad with the written permit of the person operating the railroad. If the person seeking to construct the line cannot agree with the parties operating the railroad, as to constructing lines along the railroad or as to the manner in which lines may be constructed upon, along or across the railroad, either party may apply to the commission, who, after notice to those interested, shall hear and determine the matter and make their award, which ~~shall be~~ is binding upon the parties. The person seeking to construct lines on the railroad shall pay the expenses of the hearing, except that if the commission finds that parties operating the railroad have unreasonably refused their consent, those parties shall pay the expenses. Without limiting the commission's jurisdiction under this section, if a railroad company and a telephone or electric utility enter into an agreement involving a utility crossing of railroad property and that agreement or some other agreement provides that the commission shall resolve disputes arising under the original agreement, the commission may resolve those disputes.

See title page for effective date.

CHAPTER 744

H.P. 1419 - L.D. 2031

An Act to Ensure the Retention of Utility Easements in Foreclosure Proceedings

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