

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

**THIRD SPECIAL SESSION**

October 1, 1992 to October 6, 1992

**FOURTH SPECIAL SESSION**

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

**FIRST REGULAR SESSION**

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR  
FIRST REGULAR SESSION  
NON-EMERGENCY LAWS IS  
OCTOBER 13, 1993

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

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J.S. McCarthy Company  
Augusta, Maine  
1993

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

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**1993**

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organisms with the intent of disposing of them for profit or trade in commercial channels and does not include subsistence fishing for personal use, sport fishing or charter boat fishing where the vessel is used for carrying sport fishermen anglers to available fishing grounds.

C. "Depreciable machinery and equipment" means that part of the following machinery and equipment for which depreciation is allowable under the United States Internal Revenue Code and repair parts for that machinery and equipment:

(1) New or used machinery and equipment for use directly and primarily in commercial agricultural production, including self-propelled vehicles, but excluding motor vehicles as defined in section 1752, subsection 7, attachments and equipment for the production of field and orchard crops; and new or used machinery and equipment used in production of milk and in animal husbandry and production of livestock, including poultry; or

(2) New or used watercraft used directly and primarily for commercial fishing; and nets, traps, cables, tackle and related equipment necessary to the operation of a commercial fishing venture, but excluding motor vehicles as defined in section 1752, subsection 7; or

(3) New or used watercraft, machinery or equipment used directly and primarily for aquacultural production, including, but not limited to: nets; ropes; cables; anchors and anchor weights; shackles and other hardware; buoys; fish tanks; fish totes; oxygen tanks; pumping systems; generators; water-heating systems; boilers and related pumping systems; diving equipment; feeders and related equipment; power-generating equipment; tank water-level sensors; aboveground piping; water-oxygenating systems; fish-grading equipment; safety equipment; and sea cage systems, including walkways and frames, lights, netting, buoys, shackles, ropes, cables, anchors and anchor weights; but excluding motor vehicles as defined in section 1752, subsection 7.

2. **Credit authorized.** Any person, association of persons, firm or corporation who purchases or leases depreciable machinery or equipment for use in commercial agricultural production or, commercial fishing shall or commercial aquacultural production must be refunded the amount of sales tax paid by him by presenting to the State Tax Assessor evidence that the machinery or equipment complies with the definitions of subsection 1.

Evidence required by the State Tax Assessor may include a copy or copies of that portion of the purchaser's or lessee's most recent filing under the United States Internal Revenue Code which that indicates that the purchaser or lessee is engaged in commercial agricultural production or, commercial fishing or commercial aquacultural production and that the purchased machinery or equipment is depreciable for those purposes or would be depreciable for those purposes if owned by the lessee.

In the event that any piece of machinery or equipment ~~shall be~~ is only partially depreciable under the United States Internal Revenue Code, any reimbursement of the sales tax ~~shall~~ must be prorated accordingly.

Application for refunds ~~shall~~ must be filed with the State Tax Assessor within 36 months of the date of purchase or execution of the lease.

3. **Exemption for large purchase after certification.** Sales tax is not paid on the purchase of a single item of machinery or equipment if the purchaser has the certification of the State Tax Assessor that the purchaser is engaged in commercial agricultural production or, commercial fishing; or commercial aquacultural production and that the purchaser may purchase depreciable machinery and equipment without paying Maine sales tax. The seller is required to obtain a copy of the certificate together with an affidavit as prescribed by the State Tax Assessor, to be maintained in the seller's records, attesting to the qualification of the purchase for exemption pursuant to this section. In order to qualify for this exemption, the depreciable machinery or equipment must be used directly in commercial agricultural production or, commercial fishing or commercial aquacultural production.

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

Effective May 25, 1993.

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## CHAPTER 152

### H.P. 674 - L.D. 912

#### An Act to Amend Certain Provisions of the Maine Emergency Medical Services Act of 1982

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

**Sec. 1. 32 MRSA §85, sub-§3**, as amended by PL 1991, c. 742, §2, 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.

~~For those individuals who are licensed or who relicense after September 1, 1986, the license is for a 3-year period.~~

**Sec. 2. 32 MRSA §85, sub-§4**, as enacted by PL 1991, c. 742, §3, is amended to read:

**4. Minimum requirements for relicensing.** The board shall set by rule the ~~interval~~ license and relicensing requirements ~~and the relicensing interval~~ 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. 3. 32 MRSA §86, sub-§2-A, ¶A**, as amended by PL 1991, c. 588, §14, is further amended to read:

A. When a patient is already under the supervision of a personal physician or ~~of a physician's assistant or nurse practitioner~~ supervised by that physician and the physician ~~or~~, physician's assistant or ~~nurse practitioner~~ assumes the care of the patient, then for as long as the physician ~~or~~, physician's assistant or ~~nurse practitioner~~ remains with the patient, the patient ~~shall~~ **must** be cared for as the physician ~~or~~, physician's assistant or ~~nurse practitioner~~ directs. The emergency medical services persons shall assist to the extent that their licenses and protocol allow; and

See title page for effective date.

## CHAPTER 153

S.P. 273 - L.D. 837

### An Act to Change or Clarify Language in the Maine Insurance Code Relative to Procurement of Surplus Lines Insurance and Pertaining to Licensing Procedures in Order to Provide for a More Efficient Regulatory System

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

**Sec. 1. 24-A MRSA §601, sub-§5, ¶E**, as amended by PL 1991, c. 334, §5, is further amended to read:

- E. Issuance fee for original nonresident agent license \$50;
- Appointment of such agent, each insurer \$50; and
- Biennial continuation of appointment, each insurer \$50; ;

**Sec. 2. 24-A MRSA §601, sub-§5, ¶¶F and G** are enacted to read:

- F. Issuance fee for resident agent organization license \$50;
- Biennial renewal fee \$50; and