

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 1994 to June 30, 1995

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 29, 1995

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
1995

Sec. 1. 28-A MRSA §4, sub-§1, ¶A, as amended by PL 1995, c. 46, §1, is further amended to read:

A. Licensees may not sell liquor on Sunday between the hours of 6 a.m. and 12 noon. ~~A Class A restaurant or a Class A restaurant/lounge may commence selling liquor on Sunday at 9 a.m.~~

See title page for effective date.

CHAPTER 160

H.P. 614 - L.D. 824

An Act to Amend Certain Laws Pertaining to the Department of Environmental Protection, Bureau of Hazardous Materials and Solid Waste Control

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

Whereas, this Act amends the laws governing the closure of municipal solid waste landfills; and

Whereas, the changes made by this Act would benefit the people of the State if effective immediately; 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. 38 MRSA §1310-N, sub-§6-F is enacted to read:

6-F. Agreements regarding unlicensed wood-waste, construction and demolition debris landfills operating after December 31, 1995. The commissioner may enter into an agreement with a municipality operating an unlicensed wood-waste, construction and demolition debris landfill as authorized under subsection 6-E, paragraph B, allowing that municipality to continue operating after December 31, 1995, if:

A. The municipality agrees to comply with the applicable operating requirements of rules adopted by the board pertaining to site access, litter control, erosion prevention, side slopes, compaction, cover, open burning and fire protection;

B. The municipality is conducting a groundwater quality monitoring program at the landfill as of the effective date of this subsection and agrees to continue the program for the life of the facility, or the municipality implements, as a term of the agreement, a groundwater monitoring program approved by the department; and

C. The municipality submits a facility site plan and narrative that indicate current and proposed final landfill grades and describe the general operating plan and proposed landfilling sequence at the site.

Agreements entered into pursuant to the provisions of this subsection must be for terms of sufficient duration to allow for the planned use of remaining site capacity and the proper closure of these landfills. The department shall consider the terms of these agreements on a case-specific basis, based upon the information submitted in conformance with paragraph C.

Unlicensed wood-waste, construction and demolition debris landfills may not, under the terms of agreements entered into pursuant to this subsection, expand horizontally onto areas where waste has not previously been disposed of, unless the area is licensed under the applicable provisions of this chapter. Notwithstanding this subsection the commissioner shall order an unlicensed landfill to cease operating if the commissioner finds that continued operation of the landfill poses an immediate hazard to the public health or the environment, including, but not limited to, a threat to a public or private water supply.

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

Effective May 30, 1995.

CHAPTER 161

S.P. 421 - L.D. 1144

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. 14 MRSA §8102, sub-§1-A, as enacted by PL 1987, c. 386, §2, is amended to read:

1-A. Emergency medical service. "Emergency medical service" means a nonprofit, incorporated ambulance service or ~~first responder~~ nontransporting emergency medical service licensed under Title 32,

chapter 2-B, receiving full or partial financial support from or officially recognized by the State, a municipality or county or an entity created under Title 30, chapter 203 or 204-A, except when the emergency medical service is acting outside the scope of activities expressly authorized by the State, municipality, county or entity created under Title 30, chapter 203 or 204-A.

Sec. 1. 32 MRSA §82, sub-§1, as amended by PL 1991, c. 588, §1, is further amended to read:

1. Licenses required. An ambulance service, ambulance, ~~first responder nontransporting emergency medical service~~ or emergency medical services person may not operate or practice unless duly licensed by the Emergency Medical Services' Board pursuant to this chapter, except as stated in subsection 2.

An ambulance, ambulance service, ~~first responder nontransporting emergency medical service~~ or emergency medical services person that fails to obtain licensure is subject to a fine of not more than \$500 or imprisonment for not more than 6 months, unless other penalties are specified.

Sec. 2. 32 MRSA §82, sub-§2, ¶B, as enacted by PL 1981, c. 661, §2, is amended to read:

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

Sec. 3. 32 MRSA §82, sub-§2, ¶C, as amended by PL 1985, c. 730, §§4 and 16, is further amended to read:

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

Sec. 4. 32 MRSA §83, sub-§14, as enacted by PL 1981, c. 661, §2, is amended to read:

14. Nontransporting emergency medical service. "~~First responder~~ Nontransporting emergency medical 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 nontransporting emergency medical service~~.

A ~~first responder nontransporting emergency medical 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 nontransporting emergency medical service~~.

Sec. 5. 32 MRSA §85, sub-§3, ¶A, as amended by PL 1989, c. 857, §69, is further amended to read:

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.~~

Sec. 6. 32 MRSA §85, sub-§3, ¶¶B and D, as enacted by PL 1981, c. 661, §2, are amended to read:

B. The person must have successfully completed ~~the American Heart Association basic rescuer course in cardiopulmonary resuscitation or its American Red Cross equivalent certification requirements as specified in rules adopted by the board pursuant to the Maine Administrative Procedure Act.~~

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

Sec. 7. 32 MRSA §86, sub-§1, as amended by PL 1991, c. 588, §14, is further amended to read:

1. Ambulance services and nontransporting medical services to be licensed. Every ambulance service and ~~first responder nontransporting emergency medical service~~ must be licensed, operate in accordance with the rules adopted for services under this chapter and carry the equipment called for in those rules.

Sec. 8. 32 MRSA §86, sub-§2-A, as amended by PL 1993, c. 152, §3, is further amended to read:

2-A. Treatment to be in accord with regional medical orders. When an ambulance service or ~~first responder nontransporting emergency medical service~~ is present at an accident or other situation in which a

person or persons require emergency medical treatment, the medical treatment of the patients must be carried out in accordance with any rules adopted under this chapter, any protocols issued by the regional medical director and any verbal orders given under the system of delegation established by the regional medical director; except that:

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

B. No patient is required to accept treatment to which the patient does not consent.

Sec. 9. 32 MRSA §88, sub-§1, ¶A, as amended by PL 1991, c. 742, §4, 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 nontransporting emergency medical services and one a representative of not-for-profit ambulance services. The members that represent for-profit ambulance services, ~~first-responder nontransporting emergency medical services~~ and not-for-profit ambulance services must be licensed emergency medical services' 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. 10. 32 MRSA §89, sub-§2, ¶C, as amended by PL 1985, c. 730, §§13 and 16, is further amended to read:

C. Advising the board on the licensing of new ambulance, ~~first-responder nontransporting emergency medical~~ and air ambulance services within each region;

See title page for effective date.

CHAPTER 162

S.P. 346 - L.D. 951

An Act to Include the Emergency Medical Services' Board in the List of Boards Reviewing Criminal Convictions Before Licensing

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

Sec. 1. 5 MRSA §5301, sub-§2, ¶E, as amended by PL 1993, c. 600, Pt. B, §§20 to 22, is further amended to read:

E. Convictions for which incarceration for less than one year may be imposed and which involve sexual misconduct by an applicant or licensee of the Board of Licensure in Medicine, the Board of Osteopathic Licensure, the Board of Dental Examiners, the State Board of Examiners of Psychologists, the State Board of Social Worker Licensure, the Board of Chiropractic Licensure, the State Board of Examiners in Physical Therapy ~~and~~ the State Board of Nursing and the Emergency Medical Services' Board.

Sec. 2. 5 MRSA §5303, sub-§2, as amended by PL 1993, c. 600, Pt. B, §§20 to 22, is further amended to read:

2. Ten-year limits. For applicants to and licensees and registrants of the Board of Licensure in Medicine, the Board of Osteopathic Licensure, the Board of Dental Examiners, the State Board of Examiners of Psychologists, the State Board of Social Worker Licensure, the State Board of Nursing, the Board of Chiropractic Licensure, ~~and~~ the State Board of Examiners in Physical Therapy and the Emergency Medical Services' Board, the following ~~shall~~ apply.

A. The procedures outlined in sections 5301 and 5302 for the consideration of prior criminal conviction as an element of fitness to practice a licensed profession, trade or occupation ~~shall~~ apply within 10 years of the applicant's or licensee's final discharge, if any, from the correctional system.

B. Beyond the 10-year period, ex-offender applicants or licensees with no additional convictions ~~shall~~ must be considered in the same manner as applicants or licensees possessing no prior criminal record for the purposes of licensing decisions.

C. There is no time limitation for consideration of a registrant's, an applicant's or a licensee's conduct ~~which~~ that gave rise to the criminal