

# 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**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1995**

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

conviction if that conduct is otherwise a ground for disciplinary action.

See title page for effective date.

## CHAPTER 163

H.P. 924 - L.D. 1305

### An Act to Clarify the Supervision of Juveniles Under Observation

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

**Sec. 1. 34-A MRSA §3809, sub-§2, ¶H,** as enacted by PL 1991, c. 314, §64, is amended to read:

H. A juvenile held under observation must be under ~~constant~~ sight and sound supervision by facility staff, which must be constant if necessary to prevent imminent harm to the juvenile.

See title page for effective date.

## CHAPTER 164

H.P. 732 - L.D. 1006

### An Act to Amend the Law to Provide for the Notification of Immediate Family Members of Homicide Victims

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

**Sec. 1. 17-A MRSA §1257-A,** as amended by PL 1989, c. 502, Pt. D, §14, is further amended to read:

#### §1257-A. Notification of perpetrator's release

A victim of any Class A, B or C crime for which the perpetrator is committed to the Department of Corrections may receive notice of that person's release from ~~custody~~ institutional confinement, including parole, furloughs or work-release programs, intensive supervision or supervised community confinement, upon complying with this section, unless the Department of Corrections determines that giving this notice could pose a threat to the safety of the ~~sentenced person~~ perpetrator. When the victim is a victim of homicide, the parent, child, sibling and spouse of the victim may receive notice of the perpetrator's release from institutional confinement.

**1. Request filed.** The victim Persons who wish to receive notification as allowed by this section must

file a request for notification of the ~~sentenced person's~~ perpetrator's release with the office of the prosecutor at any time after the close of judicial proceedings concerning the case. The prosecutor shall forward this request form to the Department of Corrections, which shall forward the form to the correctional facility in which that person is confined.

**2. Notice sent.** The correctional facility in which the ~~sentenced person~~ perpetrator is confined shall keep the victim's or other person's request in the file of the ~~sentenced person~~ perpetrator and shall notify the victim or other person by mail of any impending release as soon as the release date is set. This notice ~~shall~~ must be mailed to the address provided in the ~~victim's~~ request or any subsequent address provided by ~~him~~ the requesting person.

**3. Content of notice.** The notice required by subsection 2 ~~shall~~ must contain:

A. The name of the ~~sentenced person~~ perpetrator;

B. The nature of the release authorized whether it is a parole, furlough, work-release, intensive supervision, supervised community confinement or similar program;

C. The anticipated date of ~~his~~ the perpetrator's release from institutional confinement and any date on which ~~he~~ the perpetrator must return to institutional confinement; and

D. The geographical area to which ~~his~~ the perpetrator's release is limited, if any.

**4. Termination of notice.** Notice of the ~~sentenced person's~~ perpetrator's release is no longer required when either:

A. The ~~sentenced person~~ perpetrator has served ~~his~~ the entire sentence for a crime with regard to which the victim or other person has requested notice; or

B. The victim or other person has filed a signed request with the Department of Corrections ~~which~~ that has been forwarded to the correctional facility in which the ~~sentenced person~~ perpetrator is confined asking that no further notice be given.

**5. Liability.** Neither the failure of any state officer or employee to perform the requirements of this section nor compliance with it ~~shall~~ subject subjects the State or the officer or employee to liability in any civil action.

See title page for effective date.