

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 2, 1998 to June 19, 1999**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 18, 1999**

**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**  
**1999**

**§53. Additional penalties**

In addition to any penalties provided in chapter 7, subchapters I to IV, the director may assess a forfeiture against any employer, officer, agent or other person who violates any provision of chapter 7, subchapters I to IV for each violation of those subchapters. The forfeiture may not exceed \$1,000 or the amount provided in law or rule as a penalty for the specific violation, whichever is less. The Attorney General, upon complaint of the director, shall institute a civil action to recover the forfeiture. Any amount recovered must be deposited with the Treasurer of State. The director shall adopt rules to govern the administration of the civil money forfeiture provisions. The rules must include a right of appeal by the employer and a range of monetary assessments with consideration given to the size of the employer's business, the good faith of the employer, the gravity of the violation and the history of previous violations. The rules adopted pursuant to this section are major substantive rules pursuant to Title 5, chapter 375, subchapter II-A.

**Sec. 2. 26 MRSA §1308, sub-§1-A** is enacted to read:

**1-A. Surveys.** The director may require any person to provide information on the wages and benefits provided to that person's employees and such other information as is needed to determine the prevailing wage and benefits. The director may assess a forfeiture of up to \$50 against any person who fails to provide the information as requested.

**Sec. 3. 26 MRSA §1312, sub-§1,** as amended by PL 1997, c. 757, §10, is further amended to read:

**1. Violation by contractor or subcontractor.** Any Except as provided in section 1308, subsection 1-A, any contractor or subcontractor who willfully and knowingly violates sections 1304 to 1313 is subject to a forfeiture of not less than \$250.

See title page for effective date.

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**CHAPTER 182**

**H.P. 1051 - L.D. 1473**

**An Act to Amend the Maine  
Emergency Medical Services Act of  
1982**

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

**Sec. 1. 5 MRSA §948, sub-§1, ¶J,** as amended by PL 1995, c. 560, Pt. C, §1 and affected by §4, is further amended to read:

J. Assistant Director, Maine Drug Enforcement Agency; ~~and~~

**Sec. 2. 5 MRSA §948, sub-§1, ¶K,** as enacted by PL 1995, c. 560, Pt. C, §2 and affected by §4, is amended to read:

K. Two majors, Bureau of State Police; ~~and~~

**Sec. 3. 5 MRSA §948, sub-§1, ¶L** is enacted to read:

L. Director, Maine Emergency Medical Services.

**Sec. 4. 32 MRSA §83, sub-§3-A,** as enacted by PL 1989, c. 857, §62, is amended to read:

**3-A. Ambulance attendant.** "Ambulance attendant" means a basic emergency medical services person who has completed the ~~minimum training specified in section 85, subsection 3,~~ Maine Emergency Medical Services course for ambulance attendants and has met the other conditions specified in rules under this chapter for licensure at this level.

**Sec. 5. 32 MRSA §83, sub-§7,** as amended by PL 1997, c. 644, §1, is further amended to read:

**7. Basic emergency medical technician.** "Basic emergency medical technician" means a basic emergency medical services person who has successfully completed the Maine Emergency Medical Services course for emergency medical ~~treatment~~ technicians and has met the other requirements for licensure at this level.

**Sec. 6. 32 MRSA §83, sub-§§13-A and 16-B** are enacted to read:

**13-A. First responder.** "First responder" means an emergency medical services person who has successfully completed the Maine Emergency Medical Services course for first responders and has met the other requirements for licensure at this level.

**16-B. Medical Direction and Practices Board.** "Medical Direction and Practices Board" means the subcommittee of the board consisting of each regional medical director, a representative of the Maine Chapter of the American College of Emergency Medicine Physicians and the statewide emergency medical services medical director. The Medical Direction and Practices Board is responsible for creation, adoption and maintenance of Maine Emergency Medical Services protocols.

**Sec. 7. 32 MRSA §83, sub-§19**, as amended by PL 1989, c. 857, §68, is further amended to read:

**19. Protocol or Maine Emergency Medical Services protocol.** "Protocol" or "Maine Emergency Medical Services protocol" means the written statement, ~~representing a consensus of the medical control physicians of an emergency medical services region approved by the Medical Direction and Practices Board~~ and filed with the board, specifying the conditions under which some form of emergency medical care is to be given by emergency medical services persons.

**Sec. 8. 32 MRSA §85, sub-§3**, as amended by PL 1995, c. 161, §§5 and 6, 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 training specified in rules adopted by the board pursuant to the Maine Administrative Procedure Act.

B. The person must have successfully completed cardiopulmonary resuscitation certification requirements as specified in rules adopted by the board pursuant to the Maine Administrative Procedure Act.

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 nontransporting emergency medical service.

**Sec. 9. 32 MRSA §86**, as amended by PL 1995, c. 161, §§7 and 8, is further amended by repealing and replacing the headnote to read:

**§86. Ambulance services and nontransporting medical services**

**Sec. 10. 32 MRSA §86, sub-§2**, as amended by PL 1991, c. 588, §14, is further amended to read:

**2. Care of patient.** Whenever an ambulance transports a patient from the scene of an emergency, the patient must be cared for by a physician, by a flight nurse 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 must 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.

**Sec. 11. 32 MRSA §86, sub-§2-A**, as amended by PL 1995, c. 161, §8, is further amended to read:

**2-A. Treatment to be in accord with regional medical orders.** When an ambulance service or 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 as defined in section 83, subsection 19~~ 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~~ A patient is not required to accept treatment to which the patient does not consent.

**Sec. 12. 32 MRSA §88, sub-§2, ¶¶B and D**, as amended by PL 1991, c. 588, §16, are further amended to read:

B. With the advice of the commissioner, the board shall adopt rules in accordance with the Maine Administrative Procedure Act to carry out this chapter. In order to encourage participation at rule-making hearings by emergency medical services volunteers, the board shall hold hearings in each region as determined necessary. Each

hearing must be held in the evening or at times convenient to the public and may use available technology. At least 2 members of the board shall attend each hearing.

D. The board shall specify in rules the criteria that must be met as a precondition to offering an emergency medical services course, refresher course or continuing education course. The board shall work toward developing consistent educational programming in terms of course content, course requirements and quality of instruction. The board shall adopt rules, which are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A, regarding the requirements for certification, recertification and decertification of persons engaged in emergency medical services education and training.

**Sec. 13. 32 MRSA §88, sub-§2, ¶F-1**, as repealed and replaced by PL 1993, c. 575, §1, is amended to read:

F-1. The director must be qualified by training or by experience and is appointed by the board with approval of the commissioner. The director serves for an indefinite term, subject to removal for cause. ~~The Governor shall set the compensation of the director.~~

**Sec. 14. 32 MRSA §88, sub-§2, ¶J** is enacted to read:

J. The board shall establish and maintain a statewide quality assurance and improvement committee and shall adopt rules, which are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A, regarding the requirements and authority of the statewide quality assurance and improvement committee.

**Sec. 15. 32 MRSA §89, sub-§2, ¶E**, as amended by PL 1991, c. 588, §18, is further amended to read:

E. ~~Developing~~ Assisting the board in developing and implementing a statewide certification and decertification process for advanced emergency medical services persons within each region;

See title page for effective date.

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## CHAPTER 183

S.P. 317 - L.D. 951

### An Act to Amend the Motor Vehicle Laws

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

**Sec. 1. 29-A MRSA §510, sub-§2**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**2. Skidder.** Registration is not required for a log skidder used solely for logging purposes when operated to or from:

A. The premises where kept and a woodlot, or between woodlots used for logging purposes by the owner of the log skidder or the owner's employee; or

B. A filling station or garage for fuel or repairs.

~~Chains attached to the tires or wheels of the skidder must be removed prior to operation on a paved way.~~

**Sec. 2. 29-A MRSA §555, sub-§2, ¶B**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

**Sec. 3. 29-A MRSA §555, sub-§2, ¶C**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

C. For every rule adopted under this subsection:

(1) The bureau shall file with the Secretary of State:

(a) A certified copy of the rule;

(b) A published copy of the federal regulation or amendment as printed in the Federal Register; and

(c) Annually, a published copy of the updated volume of the Code of Federal Regulations containing the federal regulation; and

~~(2) The bureau shall supply, without cost or at actual cost, copies of each rule to a person who has filed within the past year a written request to be supplied with copies of rules, and to any other person on request. The bureau shall make available for inspection at no charge, and for copying at actual cost, a current published copy of the referenced federal regulations.~~

The bureau shall make available for inspection at no charge, and for copying at actual cost, a current published copy of the referenced federal regulations.

**Sec. 4. 29-A MRSA §1769, sub-§2**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by