

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST SPECIAL SESSION
August 21, 2003 to August 22, 2003

The General Effective Date For
First Special Session
Non-Emergency Laws Is
November 22, 2003

SECOND REGULAR SESSION
January 7, 2004 to January 30, 2004

The General Effective Date For
Second Regular Session
Non-Emergency Laws Is
April 30, 2004

SECOND SPECIAL SESSION
February 3, 2004 to April 30, 2004

The General Effective Date For
Second Special Session
Non-Emergency Laws Is
July 30, 2004

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

Penmor Lithographers
Lewiston, Maine
2004

1. The number of persons who apply for unemployment benefits and whose benefits are reduced as a result of receiving benefits under the United States Social Security Act, as amended, or other pensions or annuities described in the Maine Revised Statutes, Title 26, section 1193, subsection 9;

2. The total dollar amount of reductions and the average reduction resulting from application of Title 26, section 1193, subsection 9; and

3. Any other information the department considers useful in determining the impact of the so-called "pension offset."

The department shall submit a report containing the data collected pursuant to this resolve to the joint standing committee of the Legislature having jurisdiction over labor matters by November 30, 2004.

See title page for effective date.

CHAPTER 112

H.P. 136 - L.D. 177

Resolve, To Ensure That Emergency Medical Help Is Available to All School Children

Preamble. **Whereas**, the Legislature recognizes that the health and safety of students in our schools is a preeminent concern of school officials and educational personnel across the State; and

Whereas, having a medical emergency response plan in place to effectively respond to inevitable medical emergencies resulting from sudden cardiac events is both prudent and necessary for our schools; and

Whereas, the Cardiopulmonary Resuscitation and Automated External Defibrillators for Maine Schools Workgroup convened by the Department of Education has acknowledged the important progress that many of Maine's school administrative units have made in establishing emergency response teams comprised of school personnel who hold valid certifications in cardiopulmonary resuscitation and whose roles include providing an immediate response to a medical emergency in order to stabilize the medical emergency until emergency medical services arrives at the scene of the emergency; and

Whereas, a survey of state school nurse consultants regarding their states' requirements for CPR-certified personnel in schools found that a number of states specify that certain school personnel, including school health staff, athletic coaches and bus drivers, be certified in CPR and further discovered that several

states specify a formula for the number of school personnel to be certified on a per student or per building basis in order to increase the number of people able to respond to a medical emergency resulting from a sudden cardiac event; and

Whereas, the public has a justifiable and legitimate interest in ensuring that every student has adequate access during the school day to school personnel who are certified in cardiopulmonary resuscitation and who can serve as first responders in medical emergencies resulting from sudden cardiac events; now, therefore, be it

Sec. 1. Survey. Resolved: That the Department of Education, working together with the school nurse consultant under the Maine Revised Statutes, Title 22, section 1971, the School Health Advisory Committee and other appropriate organizations, shall review the recommendations of the Cardiopulmonary Resuscitation and Automated External Defibrillators for Maine Schools Workgroup and shall design a survey of school administrative units and private schools enrolling more than 60% of their students at public expense in the State regarding the extent to which these school administrative units and private schools have medical emergency response plans in place and have developed emergency response teams comprised of school personnel who hold valid certifications in cardiopulmonary resuscitation and whose roles include providing an immediate response to a medical emergency, including a medical emergency resulting from a sudden cardiac event.

In reviewing the recommendations of the Cardiopulmonary Resuscitation and Automated External Defibrillators for Maine Schools Workgroup prior to designing the survey of school administrative units and private schools in accordance with this section, the department shall also review the most recent guidance provided by the American Heart Association and the National Association of School Nurses regarding emergency preparedness planning in kindergarten through grade 12 public schools.

The survey developed by the department must assess the following:

1. As of the end of the 2003-2004 school year, the number of school administrative units and private schools enrolling more than 60% of their students at public expense in the State that have written local policies and procedures for ensuring that every student has adequate access during the school day to school personnel that are certified in cardiopulmonary resuscitation;

2. As of the end of the 2003-2004 school year, the number of school administrative units and private schools enrolling more than 60% of their students at

public expense in the State whose adopted local policies include the following:

A. Guidelines regarding the appropriate number of school personnel at each campus of the school administrative unit or the private school that are certified in cardiopulmonary resuscitation;

B. Requirements that school personnel that are certified in cardiopulmonary resuscitation receive training from a cardiopulmonary resuscitation training program approved by the Department of Public Safety, Bureau of Emergency Medical Services and taught according to current emergency cardiac care standards;

C. Requirements that school personnel that are certified in cardiopulmonary resuscitation be available at school-sponsored athletic events and other extracurricular events, including field trips requiring transportation on a school bus, held after normal school hours;

D. Requirements that an emergency response team be established for each school campus in the school administrative unit or for the private school, including a description of the role of each emergency response team in providing an immediate response to medical emergencies be described; and

E. Requirements that the school administrative unit or the private school acquire an automated external defibrillator and that any related standards for the implementation of such requirements be related to compliance with state laws, training policies and procedures for the use of this equipment;

3. The need of CPR training for school personnel and, if a need for training was identified, the plan developed to address the necessary training; and

4. The cost to develop the local policies and to implement the policies on an annual basis; and be it further

Sec. 2. Report. Resolved: That the Department of Education shall submit a report, including findings and recommended legislation, to the joint standing committee of the Legislature having jurisdiction over education matters during the First Regular Session of the 122nd Legislature by November 3, 2004. The joint standing committee of the Legislature having jurisdiction over education matters has the authority to introduce a bill based on the recommendations of the Department of Education report during the First Regular Session of the 122nd Legislature.

See title page for effective date.

CHAPTER 113

S.P. 362 - L.D. 1090

Resolve, To Promote Recruitment and Retention of Direct-care Workers in Long-term Care in Maine

Sec. 1. Review and report. Resolved:

That the Department of Human Services, Bureau of Elder and Adult Services work with the Direct-care Worker Coalition that has been meeting to discuss the recruitment and retention of direct-care workers in the field of long-term care. The department shall report back to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 15, 2005. The department shall invite the participation of consumers, representatives of consumers, direct-care workers, representatives of providers of long-term care services and other interested parties. The work of the coalition must include options for achieving parity with other programs providing long-term care services to adults and children with developmental disabilities, a review of data on wages and benefits, an explanation of administrative expenses of agencies providing or coordinating long-term care services, priorities for achieving funding and recommendations for legislation. The joint standing committee of the Legislature having jurisdiction over health and human services matters may report out legislation to the First Regular Session of the 122nd Legislature regarding the recruitment and retention of long-term care workers.

See title page for effective date.

CHAPTER 114

H.P. 1359 - L.D. 1834

Resolve, Regarding Legislative Review of Chapter 25.20: Protected Resources, a Major Substantive Rule of the Department of Marine Resources

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

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and