

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 1, 2004 to March 30, 2005**

**FIRST SPECIAL SESSION**  
**April 4, 2005 to June 18, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 29, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 17, 2005**

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

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2005**

**Sec. 20.** **31 MRSA §852, sub-§3, ¶J** is enacted to read:

J. In the case of a professional limited liability partnership, the professional service or services to be rendered in the State and a statement that all its partners are licensed in one or more states to render a professional service disclosed in its application.

See title page for effective date.

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## CHAPTER 303

H.P. 959 - L.D. 1373

### An Act To Implement Emergency Medical Dispatch Services for E-9-1-1 Calls

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

**Sec. 1.** **25 MRSA §2927, sub-§3**, as amended by PL 2003, c. 194, §1, is further amended to read:

**3. Expenditure of funds.** The bureau may use the revenues in the E-9-1-1 fund to fund staff and to defray costs associated with the implementation, operation and management of E-9-1-1 and transfer funds to the Other Special Revenue Funds, Emergency Medical Services account within the Department of Public Safety to defray the costs, including necessary staffing costs, of the Emergency Medical Services' Board in implementing the requirements of Title 32, section 85-A. The bureau, to the extent it determines sufficient funds are available in the E-9-1-1 fund, shall use revenues in the E-9-1-1 fund to reimburse local exchange carriers and cellular and wireless telecommunications service providers for eligible expenses incurred by the carriers and service providers. For purposes of this subsection, the term "eligible expenses" means expenses:

A. Incurred in preparing, correcting, verifying or updating subscriber information for use in databases necessary to implement the E-9-1-1 system;

B. Determined by the Public Utilities Commission to meet the requirements of paragraph A and to be reasonable expenses for the services provided; and

C. When incurred by a cellular or wireless telecommunications service provider:

(1) That are approved by the bureau to be properly incurred for the implementation of E-9-1-1 technologies and procedures;

(2) That are not separately billed to customers; and

(3) For which the provider is not reimbursed from any other source.

The Public Utilities Commission, in consultation with the bureau, shall establish procedures for reviewing and approving expenses pursuant to paragraph B.

**Sec. 2.** **25 MRSA §2927, sub-§3-A** is enacted to read:

**3-A. Payment of emergency medical dispatch training costs.** To assist public safety answering points in meeting the requirements of Title 32, section 85-A, the bureau shall provide free training courses for emergency medical dispatchers, as defined in Title 32, section 85-A, subsection 1, paragraph D, or reimburse public safety answering points for reasonable costs, as determined by the bureau, incurred for training courses approved by the bureau and attended by employees of the public safety answering point upon submission by the public safety answering point of adequate documentation of completion of the courses by the employees. The bureau shall provide each public safety answering point a sufficient number of approved Emergency Medical Dispatch Priority Reference System documents in printed or electronic format, as determined by the bureau pursuant to Title 32, section 85-A. All costs incurred by the bureau under this subsection must be paid from the E-9-1-1 fund.

**Sec. 3.** **32 MRSA §85-A** is enacted to read:

#### **§85-A. Emergency medical dispatch personnel**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Bureau" means the Emergency Services Communication Bureau within the Public Utilities Commission.

B. "Emergency Medical Dispatch Priority Reference System" means a system approved by the bureau and the board that includes:

(1) A protocol for emergency medical dispatcher response to calls;

(2) A continuous quality improvement program that measures compliance with the protocol through ongoing random case review of each emergency medical dispatcher; and

(3) A training curriculum and testing process consistent with the protocol.

C. "Emergency medical dispatch services" means any of the following services provided by a public safety answering point in the context of an emergency call made to the E-9-1-1 system:

(1) Reception, evaluation or processing of calls;

(2) Provision of dispatch life support;

(3) Management of requests for emergency medical assistance; and

(4) Evaluation or improvement of the emergency medical dispatch process, including identifying the nature of an emergency request, prioritizing the urgency of a request, dispatching necessary resources, providing medical aid and safety instructions to the caller and coordinating the responding resources as needed.

D. "Emergency medical dispatcher" means a person employed by a public safety answering point who provides emergency medical dispatch services.

E. "Provider of emergency medical dispatch services" means an emergency medical dispatcher or public safety answering point.

F. "Public safety answering point" has the same meaning as in Title 25, section 2921.

**2. Mandatory qualifications.** The board, in consultation with the bureau, shall adopt rules governing qualifications for and standards to be observed by providers of emergency medical dispatch services. The rules must, at a minimum:

A. Require biennial certification of providers of emergency medical dispatch services;

B. Establish minimum education and continuing education requirements for emergency medical dispatchers, including at least 12 hours of emergency medical dispatch continuing education each year;

C. Establish a process for approving an Emergency Medical Dispatch Priority Reference System that all emergency medical dispatchers are required to follow;

D. Require an emergency medical dispatcher to inform the board of the public safety answering point that employs or supervises the emergency medical dispatcher;

E. Establish or provide for approval of emergency medical dispatcher certification training programs, which must be conducted in accordance with appropriate national standards;

F. Establish qualifications for instructors of emergency medical dispatcher certification training programs;

G. Require regular reporting to the board by a public safety answering point with respect to the use of the Emergency Medical Dispatch Priority Reference System; and

H. Require that each public safety answering point appoint a director of emergency medical dispatch services to review and ensure compliance with the requirements of this section.

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**3. Prohibitions.** Beginning January 1, 2007, the following provisions apply.

A. A person may not provide emergency medical dispatch services unless the person is certified as an emergency medical dispatcher in accordance with this section.

B. An entity may not operate as a public safety answering point unless certified in accordance with this section.

C. A person may not offer a training course that is represented as a course for emergency medical dispatcher certification unless the person is approved to provide such training in accordance with this section.

D. An entity may not provide emergency medical dispatch services except in accordance with an Emergency Medical Dispatch Priority Reference System approved in accordance with this section.

**4. Licensing actions.** A certification pursuant to this section is deemed a license for the purposes of sections 90-A and 91-A. Before the board or its subcommittee or staff takes any final action to suspend or revoke a certification or to refuse to reissue a certification, the board shall contact the bureau for input on the effect of such an action on the E-9-1-1 system and, notwithstanding section 92, may, to the extent necessary for this purpose, disclose to the bureau information that is designated as confidential under section 92.

5. Effect on tort claims. Nothing in this section increases any liability that may arise or be limited under Title 14, chapter 741.

**Sec. 4. Appropriations and allocations.** The following appropriations and allocations are made.

**PUBLIC SAFETY, DEPARTMENT OF**

**Emergency Medical Services 0485**

Initiative: Provides funds for a staff position to assist the Emergency Medical Services' Board in implementing certification requirements.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2005-06</b>	<b>2006-07</b>
POSITIONS		-
LEGISLATIVE COUNT	1,000	1,000
Personal Services	\$58,736	\$76,356
All Other	\$17,668	\$23,550

OTHER SPECIAL REVENUE FUNDS TOTAL	\$76,404	\$99,906
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**PUBLIC SAFETY, DEPARTMENT OF DEPARTMENT TOTALS**

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$76,404</b>	<b>\$99,906</b>
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<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$76,404</b>	<b>\$99,906</b>
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**PUBLIC UTILITIES COMMISSION**

**Emergency Services Communication Bureau 0994**

Initiative: Provides funds for emergency medical dispatch training costs and other required expenses.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2005-06</b>	<b>2006-07</b>
All Other	\$67,600	\$27,500

OTHER SPECIAL REVENUE FUNDS TOTAL	\$67,600	\$27,500
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**PUBLIC UTILITIES COMMISSION DEPARTMENT TOTALS**

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$67,600</b>	<b>\$27,500</b>
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<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$67,600</b>	<b>\$27,500</b>
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**SECTION TOTALS**

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$144,004</b>	<b>\$127,406</b>
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<b>SECTION TOTAL - ALL FUNDS</b>	<b>\$144,004</b>	<b>\$127,406</b>
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See title page for effective date.

**CHAPTER 304**

**S.P. 370 - L.D. 1053**

**An Act To Protect Maine Harness Racing from Illegal Wagering**

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

**Sec. 1. 8 MRSA §300-A** is enacted to read:

**§300-A. Illegal wagering**

**1. Illegal wagering on harness races.** A person is liable for the damages specified in this section if that person accepts a wager concerning harness racing from a person located within this State unless the person accepting the wager is licensed to do so under this chapter.

**2. Right of action.** A commercial licensee under section 271 may bring an action in Superior Court against a person who has accepted an illegal wager described in subsection 1. The court shall award damages to the prevailing plaintiff and the commission, as provided in subsection 4, in an amount equal to 25% of the monetary amount of illegal wagers accepted, including illegal wagers accepted as described in subsection 1, plus reasonable attorney's fees and costs.

**3. Punitive damages.** If a person accepting an illegal wager described in subsection 1 has been advised in writing of the provisions of this section either by the Attorney General or by a commercial track licensed under this chapter before accepting any such wager, then the person accepting the illegal wager, in addition to all other damages authorized under this section, is liable in an amount of up to 4 times the damages awarded under subsection 2 that the court determines are appropriate given the willfulness of the violation, any mitigating circumstances, any efforts by the person who accepted the wager to comply with Maine law, the need to deter acceptance of illegal wagers and all other relevant circumstances.

**4. Distribution of damages.** Damages awarded under this section must be distributed as follows.

**A.** Reasonable costs of bringing the action, including reasonable attorney's fees and costs, must be paid to the plaintiff.

**B.** All other damages awarded must be paid to the commission. The commission shall distribute the damages it receives as follows:

- (1)** One fourth must be deposited to the extended meet account established under section 289, subsection 2;