

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE**

**SECOND SPECIAL SESSION**

**July 29, 2005**

**SECOND REGULAR SESSION**

**January 4, 2006 to May 24, 2006**

**THE GENERAL EFFECTIVE DATE FOR**

**SECOND SPECIAL SESSION**

**NON-EMERGENCY LAWS IS**

**OCTOBER 28, 2005**

**THE GENERAL EFFECTIVE DATE FOR**

**SECOND REGULAR SESSION**

**NON-EMERGENCY LAWS IS**

**AUGUST 23, 2006**

**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**

**2006**

registration plate ~~within 150 miles of the registered owner's farm;~~ when the vehicle is:

(a) Controlled and operated by a farmer, including operation by the farmer's employees or family members;

(b) Used to transport agricultural products, farm machinery or farm supplies to or from a farm;

(c) Not used in the operation of a common or contract motor carrier; and

(d) Used within 150 miles of the registered owner's farm;

(5) A person, employed by a city, town, county, district or other unit of local government created by or pursuant to law that has a total population of 3,000 individuals or less, to operate a commercial motor vehicle within the boundaries of that unit of local government for the purpose of removing snow or ice from a roadway by plowing, sanding or salting, if:

(a) The properly licensed employee who ordinarily operates a commercial motor vehicle for those purposes is unable to operate the vehicle; or

(b) The employing governmental entity determines that a snow or ice emergency exists that requires additional assistance; or

(6) A person to operate a truck registered as an antique automobile, regardless of weight or combination weight, provided the vehicle is used for noncommercial recreational purposes or purposes pursuant to section 101, subsection 3.

See title page for effective date.

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**CHAPTER 680**

**S.P. 411 - L.D. 1183**

**An Act Regarding Access to Mental Health Services**

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

**Sec. 1. 22 MRSA §3174-FF, sub-§3, ¶C,** as enacted by PL 2003, c. 673, Pt. MMM, §1, is amended to read:

C. A member is eligible for psychological services benefits for individual and group counseling. Benefits for one or both types of counseling combined are limited to a total of 16 one-hour visits per year, except that the department may increase the maximum number of visits for psychological services to 24 visits in a 12-month period as long as any cost associated with this increase is offset by savings from managing the use of these services by methods that may include prior authorization.

See title page for effective date.

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**CHAPTER 681**

**H.P. 702 - L.D. 1018**

**An Act To Require a Criminal Background Check for the Initial Licensure of Emergency Medical Services Personnel**

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

**Sec. 1. 32 MRSA §85, sub-§3,** as amended by PL 2001, c. 474, §1, 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 licensure to provide 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.

The board shall obtain criminal history record information containing a record of conviction data from the Maine Criminal Justice Information System for an applicant seeking initial licensure under this subsection. Information obtained pursuant to this subsection is confidential and may be used only to

determine suitability for initial issuance of a license to provide emergency medical services. The results of criminal history record checks received by the board are for official use only and may not be disseminated outside the board. The applicant for initial licensure shall pay the expense of obtaining the information required by this subsection.

**Sec. 2. 32 MRSA §85, sub-§4**, as amended by PL 1993, c. 152, §2, is further amended to read:

**4. Minimum requirements for relicensing.** The board shall set by rule the license and relicensing requirements and the relicensing interval for emergency medical services persons. A person who is duly licensed in Maine as an emergency medical services person must be issued a renewal license if the following requirements are met:

A. The person must have satisfactorily completed relicensure training as defined in the rules; and

B. The person must have satisfactorily demonstrated competence in the skills required for the license level. Skill competence may be satisfied by a combination of run report reviews and continuing education training programs conducted in accordance with the rules or by satisfactorily completing the state written and practical tests.

If the person is not duly licensed at the time of application, the person must demonstrate skill and knowledge as defined in the rules.

To maintain a valid license, an emergency medical services person must meet the criteria set out in this section. If those criteria are not met, a person does not hold a valid license and must reapply for licensure.

A criminal history record check for information containing a record of conviction data from the Maine Criminal Justice Information System is not required for the relicensing of emergency medical services personnel.

**Sec. 3. Application.** A person who received an initial license to provide emergency medical services for whom the Emergency Medical Services' Board has never obtained criminal history record information containing a record of conviction data from the Maine Criminal Justice Information System must submit to a criminal history record check at the time of license renewal.

See title page for effective date.

## CHAPTER 682

S.P. 658 - L.D. 1741

### An Act To Encourage Reporting of Potential Fraud, Waste, Inefficiency and Abuse in State Government

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

**Sec. 1. 3 MRSA §995, sub-§5** is enacted to read:

**5. Coordination with State Auditor; complaints alleging fraud, waste, inefficiency or abuse.** The director may access confidential information disclosed by the State Auditor under Title 5, section 244-D, subsection 3 in order to ensure appropriate agency referral or coordination between agencies to respond appropriately to all complaints made under Title 5, section 244-D.

**Sec. 2. 5 MRSA §244-D** is enacted to read:

**§244-D. Referral service; confidentiality; public records**

**1. Identity confidential.** The identity of a person making a complaint alleging fraud, waste, inefficiency or abuse through a hotline or other referral service established by the State Auditor for the confidential reporting of fraud, waste, inefficiency and abuse in State Government is confidential and may not be disclosed, unless the person making the complaint agrees in writing to the disclosure of that person's name.

**2. Contents of complaint confidential.** A complaint alleging fraud, waste, inefficiency or abuse made through a hotline or other referral service established by the State Auditor for the confidential reporting of fraud, waste, inefficiency and abuse in State Government and any resulting investigation is confidential and may not be disclosed except as provided in subsections 3 and 4.

**3. Coordination with Office of Program Evaluation and Government Accountability and Attorney General.** The State Auditor may disclose information that is confidential under this section to the Director of the Office of Program Evaluation and Government Accountability and the Attorney General to ensure appropriate agency referral or coordination between agencies to respond appropriately to all complaints made under this section.

**4. Reports.** For each complaint under this section, the State Auditor shall submit a written report to