

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

FIRST REGULAR SESSION
December 6, 2006 to June 21, 2007

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IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2007

vision of this chapter, the bureau shall adopt rules to provide restrictions on cancellation, termination or lapse of individual life insurance policies to reduce the danger that a life insurance policyholder will lose life insurance coverage due to organic brain disease.

3. Rulemaking. The rules adopted pursuant to this section apply to all life insurance policies and riders delivered or issued for delivery, continued or renewed in this State. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 41

S.P. 153 - L.D. 466

An Act To Provide County Commissioners with an Enforcement Mechanism with Regard to Parking Ordinances

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

Sec. 1. 30-A MRSA §121, sub-§4, as amended by PL 1991, c. 733, §10, is further amended to read:

4. Parking areas. The county commissioners may lay out parking areas on county lands near county buildings and may enact ordinances for the reasonable use of those areas and enforce them by suitable penalties. Any violation of these ordinances is a civil violation.

The county commissioners may authorize a sheriff's deputy, certified by the Maine Criminal Justice Academy under Title 25, section 2803-A, subsection 8, to represent the county in District Court in the prosecution of alleged violations of unpaid penalties pursuant to an ordinance enacted under this subsection. The county commissioners may delegate to the county's sheriff their power under this subsection to authorize sheriff's deputies to represent the county.

County public parking areas are subject to any applicable requirements of the Maine Human Rights Act, Title 5, chapter 337, subchapter 5.

See title page for effective date.

CHAPTER 42
H.P. 476 - L.D. 627

An Act To Ensure Uniform Emergency Medical Dispatch Services in Maine

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

Whereas, emergency medical dispatch has become a standard of care for persons calling E-9-1-1 for medical assistance; and

Whereas, there is presently no provision for the licensing of dispatch centers to provide emergency medical dispatch unless the centers are otherwise identified as public safety answering points; and

Whereas, it is vital that the lack of such a provision be addressed in order to ensure that all E-9-1-1 callers in the State are afforded the benefit of emergency medical dispatch; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 32 MRSA §85-A, as enacted by PL 2005, c. 303, §3, is amended 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.

A-1. "Emergency medical dispatch center" means any entity that holds itself out to be a provider of emergency medical dispatch services.

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~~ licensed by the board who provides emergency medical dispatch services as a member of an emergency medical dispatch center licensed by the board.

E. "Provider of emergency medical dispatch services" means an emergency medical dispatcher or ~~public safety answering point~~ emergency medical dispatch center licensed by the board.

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~~ Establish licensing requirements for emergency medical dispatchers and emergency medical dispatch services centers;
- 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 ~~dispatch center~~ to inform the board ~~of the public safety answering point that~~ when the center em-

~~ploy or supervises the terminates employment of an~~ emergency medical dispatcher;

E. Establish or provide for Maine Emergency Medical Services approval of emergency medical dispatcher ~~certification~~ training programs, which must be conducted in accordance with appropriate ~~national~~ standards approved by the board;

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~~ an emergency medical dispatch center with respect to the use of the Emergency Medical Dispatch Priority Reference System; and

H. Require that each ~~public safety answering point~~ emergency medical dispatch center 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.

2-A. Requirement to provide emergency medical dispatch services. A public safety answering point or other licensed emergency medical dispatch center must provide emergency medical dispatch services on all medical E-9-1-1 calls directly or by transferring the call to another licensed emergency medical dispatch service.

3. Prohibitions. Beginning January 1, 2007, the following provisions apply to emergency medical dispatch services.

- A. A person may not provide emergency medical dispatch services unless the person is ~~certified~~ licensed by the board as an emergency medical dispatcher in accordance with this section.
- B. An entity may not operate as a public safety answering point unless ~~certified~~ licensed as an emergency medical dispatch center in accordance with this section.
- C. A person may not offer a training course that is represented as a ~~course for~~ board-approved emergency medical dispatcher ~~certification~~ training course unless the person is approved by the board to provide such training in accordance with this section.
- D. An ~~entity~~ emergency medical dispatch center may not provide emergency medical dispatch services except in accordance with an Emergency Medical Dispatch Priority Reference System approved in accordance with this section.

E. An entity may not hold itself out to be a provider of emergency medical dispatch services unless it is licensed as an emergency medical dispatch center.

4. Licensing actions. A certification license issued pursuant to this section is deemed a license for the purposes subject to the provisions 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 license or to refuse to reissue a certification license, 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.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective April 10, 2007.

CHAPTER 43

H.P. 647 - L.D. 848

An Act To Encourage Greater Public Input into the State Environmental Licensing Process

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

Sec. 1. 38 MRSA §345-A, sub-§5 is enacted to read:

5. Public meetings. At the board's or commissioner's discretion, the board or commissioner may schedule and hold public meetings in the geographic area of a proposed project for the purpose of collecting comments that become part of the record in a pending action. Any such meeting must be held during the period when written public comments may be submitted to the department. This subsection and the conduct of a public meeting do not change any other obligation the department has to hold public hearings that are mandatory by statute or required after a timely request is filed.

See title page for effective date.

CHAPTER 44

H.P. 135 - L.D. 153

An Act To Improve the Control and Prevention of Invasive Plant Infestations

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

Sec. 1. 12 MRSA §10206, sub-§3, ¶C, as amended by PL 2005, c. 12, Pt. III, §2, is further amended to read:

C. All revenues collected under the provisions of this Part relating to watercraft, including chapter 935, including fines, fees and other available money deposited with the Treasurer of State, must be distributed as undedicated revenue to the General Fund and the Department of Marine Resources according to an allocation rate that directly relates to the administrative costs of the Division of Licensing and Registration. Three dollars of each motorized watercraft registration is dedicated to the Department of Inland Fisheries and Wildlife and is not subject to the split with another agency as required under this paragraph. The Legislature shall appropriate to the department in each fiscal year an amount equal to the administrative costs incurred by the department in collecting revenue under this subsection. Those costs must be verified by the Department of Marine Resources and the Department of Administrative and Financial Services. The allocation rate must also allow for any necessary year-end reconciliation and accounting distribution. The allocation rate must be jointly agreed to by the department and the Department of Marine Resources and approved by the Department of Administrative and Financial Services, Bureau of the Budget.

The fees outlined in section 13056, subsection 8, paragraphs A and B for watercraft operating on inland waters of the State each include a \$10 fee for invasive species prevention and control. This fee is disposed of as follows:

(1) Sixty percent of the fee must be credited to the Invasive Aquatic Plant and Nuisance Species Fund established within the Department of Environmental Protection under Title 38, section 1863; and

(2) Forty percent of the fee must be credited to the Lake and River Protection Fund established within the department under section 10257.

Sec. 2. 12 MRSA §13056, sub-§8, ¶A, as amended by PL 2005, c. 12, Pt. III, §38, is further amended to read: