

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
127<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON CRIMINAL JUSTICE  
AND PUBLIC SAFETY**

August 2015

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# STATE OF MAINE

127<sup>TH</sup> LEGISLATURE

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## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 127<sup>th</sup> Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

<i>CARRIED OVER</i> .....	<i>carried over to a subsequent session of the Legislature</i>
<i>CON RES XXX</i> .....	<i>chapter # of constitutional resolution passed by both houses</i>
<i>CONF CMTE UNABLE TO AGREE</i> .....	<i>Committee of Conference unable to agree; legislation died</i>
<i>DIED BETWEEN HOUSES</i> .....	<i>House &amp; Senate disagreed; legislation died</i>
<i>DIED IN CONCURRENCE</i> .....	<i>defeated in each house, but on different motions; legislation died</i>
<i>DIED ON ADJOURNMENT</i> .....	<i>action incomplete when session ended; legislation died</i>
<i>EMERGENCY</i> .....	<i>enacted law takes effect sooner than 90 days after session adjournment</i>
<i>FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE</i> .....	<i>emergency failed to receive required 2/3 vote</i>
<i>FAILED, ENACTMENT or FINAL PASSAGE</i> .....	<i>failed to receive final majority vote</i>
<i>FAILED, MANDATE ENACTMENT</i> .....	<i>legislation proposing local mandate failed required 2/3 vote</i>
<i>HELD BY GOVERNOR</i> .....	<i>Governor has not signed; final disposition to be determined at subsequent session</i>
<i>LEAVE TO WITHDRAW</i> .....	<i>sponsor's request to withdraw legislation granted</i>
<i>NOT PROPERLY BEFORE THE BODY</i> .....	<i>ruled out of order by the presiding officer; legislation died</i>
<i>INDEF PP</i> .....	<i>indefinitely postponed; legislation died</i>
<i>ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X</i> ....	<i>ought-not-to-pass report accepted; legislation died</i>
<i>P&amp;S XXX</i> .....	<i>chapter # of enacted private &amp; special law</i>
<i>PUBLIC XXX</i> .....	<i>chapter # of enacted public law</i>
<i>RESOLVE XXX</i> .....	<i>chapter # of finally passed resolve</i>
<i>VETO SUSTAINED</i> .....	<i>Legislature failed to override Governor's veto</i>

The effective date for non-emergency legislation enacted in the First Regular Session of the 127<sup>th</sup> Legislature is October 15, 2015. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

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**LD 748      An Act To Provide for Tiered Qualifications for Volunteer Firefighters in Certain Municipalities**

**Leave to Withdraw Pursuant to Joint Rule**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HEAD		

This bill provides that in a municipality with fewer than 2,500 permanent residents the fire chief, with the approval of the municipal officers of that municipality, may approve training for volunteer firefighters that provides for three tiers of qualifications as follows:

1. At the highest tier three firefighters;
2. At the middle tier firefighters who are trained and who are qualified to perform all firefighter services except for entry into a burning building; and
3. At the lowest tier firefighters who are trained and who are qualified to perform basic firefighter duties including, but not limited to, handling fire hoses, trucks and equipment.

**LD 792      An Act To Protect Patients from Sexual Exploitation**

**Died Between Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAWICKI BRAKEY	ONTP OTP-AM	

Current laws regarding gross sexual assault, unlawful sexual contact and unlawful sexual touching prohibit relationships or contact by a person who is a psychiatrist, a psychologist or licensed as a social worker or a person who purports to be a psychiatrist, a psychologist or licensed as a social worker with a current patient or client. This bill amends the laws regarding gross sexual assault, unlawful sexual contact and unlawful sexual touching by adding additional medical professionals licensed under the Maine Revised Statutes, Title 32 to the list of persons prohibited from having certain relationships or contact with patients and adds the definition of "health care services providers" to Title 17-A, chapter 11. "Health care services providers" includes physicians, osteopathic physicians, chiropractors, physical therapists, physician assistants and nurses.

**Committee Amendment "A" (H-221)**

This amendment is the minority report of the committee and incorporates a fiscal note.

**LD 818      An Act To Amend the Maine Emergency Medical Services Act of 1982**

**PUBLIC 82**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUTREMBLE LAJOIE	OTP-AM	S-63

This bill amends the Maine Emergency Medical Services Act of 1982. Specifically, the bill:

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1. Changes the term "first responder" to "emergency medical responder" to align the law with the Emergency Medical Services rules and the national scope of practice levels;
2. Modifies the composition of the Medical Direction and Practices Board to include an at-large member, a pharmacist and the statewide assistant emergency medical services medical director and to specify that the representative of the Maine Chapter of the American College of Emergency Medicine Physicians must be an emergency physician;
3. Removes a requirement that the Emergency Medical Services' Board or its staff must request the Attorney General to file a complaint in District Court to commence either full or emergency proceedings to suspend a license for more than a year or to revoke a license when the board or its staff concludes to so suspend or revoke the license is in order;
4. Requires applicants and licensees to notify the Emergency Medical Services' Board regarding name and address changes, criminal convictions, actions taken by another regulatory agency against any of their occupational and professional licenses and material changes to their conditions and qualifications set forth in their original applications for licensure; and
5. Repeals the law establishing the Epinephrine Training Fund.

### **Committee Amendment "A" (S-63)**

This amendment does the following:

1. It specifies that the Medical Direction and Practices Board may include a toxicologist instead of a licensed pharmacist;
2. It clarifies that the Emergency Medical Services' Board has the power and duty to appoint or approve the members of the Medical Direction and Practices Board;
3. It deletes from the bill the provision that repeals the requirement that the Emergency Medical Services' Board or its staff must request the Attorney General to file a complaint in District Court to commence either full or emergency proceedings to suspend a license for more than a year or to revoke a license when the board or its staff concludes that such suspension or revocation is in order; and
4. It adds to the purposes for which information specifically identifying individuals collected by Maine Emergency Medical Services may be released the purposes of public health surveillance and linkage with patient electronic medical records.

### **Enacted Law Summary**

Public Law 2015, chapter 82 amends the Maine Emergency Medical Services Act of 1982 as follows:

1. It changes the term "first responder" to "emergency medical responder" to align the law with the Emergency Medical Services rules and the national scope of practice levels;
2. It modifies the composition of the Medical Direction and Practices Board to include an at-large member, a pharmacist or a toxicologist and the statewide assistant emergency medical services medical director and to specify that the representative of the Maine Chapter of the American College of Emergency Medicine Physicians must be an emergency physician;
3. It requires applicants and licensees to notify the Emergency Medical Services' Board regarding name and address changes, criminal convictions, actions taken by another regulatory agency against any of their

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occupational and professional licenses and material changes to their conditions and qualifications set forth in their original applications for licensure;

- 4. It clarifies that the Emergency Medical Services' Board has the power and duty to appoint or approve the members of the Medical Direction and Practices Board;
- 5. It adds to the purposes for which information specifically identifying individuals collected by Maine Emergency Medical Services may be released the purposes of public health surveillance and linkage with patient electronic medical records; and
- 6. It repeals the law establishing the Epinephrine Training Fund.

**LD 823      An Act To Upgrade the Concealed Handgun Permit Law**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHAW	ONTP OTP-AM	

This bill amends the laws concerning permits to carry concealed handguns by:

- 1. Making the Chief of the State Police the sole issuing authority for a permit to carry concealed handguns;
- 2. Extending the term of a permit to carry concealed handguns from four years to ten years; and
- 3. Removing the requirement that a course that includes handgun safety taken by an applicant for a permit to carry concealed handguns must have been taken by the applicant within five years prior to the date of application.

**Committee Amendment "A" (H-309)**

This amendment makes the following changes to the bill.

- 1. It increases the application and renewal fees for a concealed handgun permit from \$35 to \$52.50 and from \$20 to \$52.50, respectively, for a resident. For a nonresident the fee is increased from \$60 to \$120 for either an application or a renewal.
- 2. The bill proposes to extend the period a permit is valid from four to ten years. This amendment makes a permit valid for five years.
- 3. It requires the State Police to establish a centralized database containing information about concealed handgun permit holders and applicants for concealed handgun permits. It provides that the centralized database must be accessible by law enforcement agencies or law enforcement officers or by court order and that information about a permit holder or an applicant must be purged from the centralized database within five years after the permit expires or after the period for an appeal of a denial or a revocation of a permit has run.
- 4. It provides that an application for a concealed handgun permit received before January 1, 2017 is not subject to the provisions of this legislation, but an application for a new concealed handgun permit or a renewal of a concealed handgun permit received by an issuing authority on or after January 1, 2017 is subject to this legislation.
- 5. It adds an appropriations and allocations section.
- 6. It adds an effective date of January 1, 2017.