

MAINE STATE LEGISLATURE

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STATE OF MAINE
128TH LEGISLATURE
FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



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

**JOINT STANDING COMMITTEE ON LABOR, COMMERCE,
RESEARCH AND ECONOMIC DEVELOPMENT**

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STAFF:

HENRY FOUTS, LEGISLATIVE ANALYST
JANET STOCCO, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670
<http://legislature.maine.gov/opla/>

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*Committee member for a portion of the session

STATE OF MAINE

128TH LEGISLATURE

FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contain summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Special, Second Regular and Second Special Sessions of the 128th 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.

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

The effective dates for non-emergency legislation enacted in the First Special, Second Regular or Second Special Sessions of the 128th Legislature are: Monday, February 5, 2018; Wednesday, August 1, 2018; and Thursday, December 13, 2018, respectively. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

LD 958

An Act To Enact the Uniform Emergency Volunteer Health Practitioners Act

PUBLIC 396

Sponsor(s)

DION M

Committee Report

OTP-AM

Amendments Adopted

S-401

This bill was carried over in committee from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill is a concept draft pursuant to Joint Rule 208 that proposes to adopt a law based on the Uniform Emergency Volunteer Health Practitioners Act. In addition to any substantive changes to the uniform act recommended by the National Conference of Commissioners on Uniform State Laws that may be adopted by the Legislature, the basic numbering system, the mechanical structure and the internal organization of the uniform law will be altered to conform to the numbering, structure and organization of the Maine Revised Statutes.

Committee Amendment "A" (S-401)

This amendment strikes and replaces the bill, which is a concept draft, and adopts selected provisions of the Uniform Emergency Volunteer Health Practitioners Act. This amendment does the following.

1. It defines "volunteer health practitioner" as an individual who provides health services or veterinary services while an emergency declaration is in effect, whether or not the individual receives compensation, as long as the individual is not providing services in this State as part of a preexisting employment relationship. "Volunteer health practitioner" also includes individuals who are not state residents who provide health services or veterinary services in this State while employed by a disaster relief organization.
2. It provides for advanced registration of volunteer health practitioners from this State or other states who agree to provide health services or veterinary services during a civil emergency or health emergency in this State declared by the Governor or the Department of Health and Human Services. Registration systems must determine whether registrants are licensed to provide health services or veterinary services and are in good standing with the relevant licensing entities in this State and other states.
3. It authorizes volunteer health practitioners licensed in other states to provide health services and veterinary services in this State during a declared civil emergency or public health emergency. While an emergency declaration is in effect, the Department of Health and Human Services, in coordination with the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency, may limit the duration and geographical areas in which a volunteer health practitioner may practice as well as types of volunteer health practitioners who are authorized to provide health services or veterinary services.
4. It requires a volunteer health practitioner to comply with both the scope of practice laws in this State and the scope of practice laws in the state where the individual is licensed while providing health services or veterinary services in this State during a declared emergency. The Governor or the Governor's designee may by order modify or restrict the health services or veterinary services that a volunteer health practitioner may provide during a declared emergency.
5. It subjects a volunteer health practitioner to discipline by the appropriate state licensing board for health services or veterinary services provided in this State during a declared emergency. An individual who is licensed in Maine and who provides health services or veterinary services during a declared emergency in another state as a volunteer health practitioner is also subject to discipline by the appropriate state licensing board.
6. It protects a volunteer health practitioner from civil liability for injury or death arising out of the provision of

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health services or veterinary services in accordance with the requirements of the uniform act to the same extent that a health care practitioner in this State is protected from civil liability for volunteer activities under the Maine Health Security Act.

7. It authorizes the Department of Health and Human Services to adopt rules to implement the uniform act in consultation with the Maine Emergency Management Agency and rule-making agencies in other states that have adopted similar legislation.

Enacted Law Summary

Public Law 2017, chapter 396 adopts and modifies selected provisions of the Uniform Emergency Volunteer Health Practitioners Act. Specifically, Public Law 2017, chapter 396:

1. Defines "volunteer health practitioner" as an individual who provides health services or veterinary services while an emergency declaration is in effect, whether or not the individual receives compensation, as long as the individual is not providing services in this State as part of a preexisting employment relationship. "Volunteer health practitioner" also includes individuals who are not state residents who provide health services or veterinary services in this State while employed by a disaster relief organization.

2. Provides for advanced registration of volunteer health practitioners from this State or other states who agree to provide health services or veterinary services during a civil emergency or health emergency in this State declared by the Governor or the Department of Health and Human Services. Registration systems must determine whether registrants are licensed to provide health services or veterinary services and are in good standing with the relevant licensing entities in this State and other states.

3. Authorizes volunteer health practitioners licensed in other states to provide health services and veterinary services in this State during a declared civil emergency or public health emergency. While an emergency declaration is in effect, the Department of Health and Human Services, in coordination with the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency, may limit the duration and geographical areas in which a volunteer health practitioner may practice as well as types of volunteer health practitioners who are authorized to provide health services or veterinary services.

4. Requires a volunteer health practitioner to comply with both the scope of practice laws in this State and the scope of practice laws in the state where the individual is licensed while providing health services or veterinary services in this State during a declared emergency. The Governor or the Governor's designee may by order modify or restrict the health services or veterinary services that a volunteer health practitioner may provide during a declared emergency.

5. Subjects a volunteer health practitioner to discipline by the appropriate state licensing board for health services or veterinary services provided in this State during a declared emergency. An individual who is licensed in Maine and who provides health services or veterinary services during a declared emergency in another state as a volunteer health practitioner is also subject to discipline by the appropriate state licensing board.

6. Protects a volunteer health practitioner from civil liability for injury or death arising out of the provision of health services or veterinary services in accordance with the requirements of the uniform act to the same extent that a health care practitioner in this State is protected from civil liability for volunteer activities under the Maine Health Security Act.

7. Authorizes the Department of Health and Human Services to adopt rules to implement the uniform act in consultation with the Maine Emergency Management Agency and rule-making agencies in other states that have adopted similar legislation.