

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-SIX

—
S.P. 826 - L.D. 2132

An Act to Amend the Maine Emergency Medical Services Act of 1982 to Modify Penalties for Unauthorized Operation or Practice of Emergency Medical Services, to Direct Maine Emergency Medical Services to Evaluate Improvements to Maine's Trauma System Reporting and to Make Certain Technical Changes

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

Sec. 1. 32 MRSA §82, sub-§1, as amended by PL 2021, c. 220, §1, is further amended to read:

1. Licenses required. An ambulance service, ambulance, nontransporting emergency medical service, emergency medical services person, emergency medical services ambulance operator, emergency medical services educator, emergency medical services training center, emergency medical dispatch center or emergency medical dispatcher may not operate or practice unless duly licensed by the Emergency Medical Services' Board pursuant to this chapter, except as stated in subsection 2.

Sec. 2. 32 MRSA §82, sub-§3, as amended by PL 2007, c. 274, §3, is repealed.

Sec. 3. 32 MRSA §82, sub-§4 is enacted to read:

4. Unlicensed practice; criminal penalties. Notwithstanding any provision of law to the contrary, a person that practices or represents to the public that the person is authorized to practice or engage in an activity that requires a license under this section and intentionally, knowingly or recklessly fails to obtain a license as required under this section or intentionally, knowingly or recklessly practices or represents to the public that the person is authorized to practice or engages in an activity that requires a license after the license required under this section has expired or has been suspended or revoked commits a Class E crime.

Sec. 4. 32 MRSA §82, sub-§5 is enacted to read:

5. Unlicensed practice; civil violations. A person that practices or represents to the public that the person is authorized to practice or engage in an activity that requires a license under this section and fails to obtain a license as required under this section or practices or represents to the public that the person is authorized to practice or engage in an activity that

requires a license after the license required under this section has expired or has been suspended or revoked commits a civil violation punishable by a fine of not less than \$1,000 but not more than \$5,000 for each violation. An action under this subsection may be brought in the District Court or, in combination with an action under subsection 6, in the Superior Court.

Sec. 5. 32 MRSA §82, sub-§6 is enacted to read:

6. Unlicensed practice; injunctions. The Attorney General may bring an action in the Superior Court to enjoin any person from violating subsection 5, whether or not proceedings have been or may be instituted in the District Court or whether or not criminal proceedings have been or may be instituted, and to restore to any person that has suffered any ascertainable loss by reason of that violation any money or personal or real property that may have been acquired by means of that violation and to compel the return of compensation received for engaging in that unlawful conduct.

A person that violates the terms of an injunction issued under this subsection shall pay to the State a fine of not more than \$10,000 for each violation. In any action under this subsection, when a permanent injunction has been issued, the court may order the person against whom the permanent injunction is issued to pay to the General Fund the costs of the investigation of that person by the Attorney General and the costs of suit, including attorney's fees. In any action by the Attorney General brought against a person for violating the terms of an injunction issued under this subsection, the court may make the necessary orders or judgments to restore to any person that has suffered any ascertainable loss of money or personal or real property or to compel the return of compensation received by reason of such conduct found to be in violation of an injunction.

Sec. 6. 32 MRSA §83, sub-§12-B is enacted to read:

12-B. Emergency medical services educator. "Emergency medical services educator" means a lead instructor of an emergency medical services licensure program.

Sec. 7. 32 MRSA §83, sub-§20, as amended by PL 2007, c. 274, §7, is further amended to read:

20. Regional council. "Regional council" means a ~~business~~ an entity recognized by the board that represents a geographical area of the State, as designated by the board, with respect to matters subject to this chapter.

Sec. 8. State Trauma Prevention and Control Advisory Committee report. The Director of Maine Emergency Medical Services within the Department of Public Safety, or the director's designee, shall convene the State Trauma Prevention and Control Advisory Committee under the Maine Revised Statutes, Title 32, section 87-A, subsection 2 to evaluate opportunities to enhance the State's trauma care system and to share uniform quality data as it relates to injury-related incidents. By September 1, 2027, the director shall submit a report with the findings of the advisory committee to the joint standing committee of the Legislature having jurisdiction over emergency medical services matters. The joint standing committee may report out legislation to the Second Regular Session of the 133rd Legislature based on the report.