

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 2016 to August 2, 2017

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
NOVEMBER 1, 2017

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2017

CHAPTER 138
H.P. 324 - L.D. 457

**An Act To Repeal the Sunset
Date on the Children's
Guardians Ad Litem Law**

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

Whereas, the laws implementing necessary reforms to the procedures for appointment, qualification and oversight of children's guardians ad litem are scheduled to be repealed on October 1, 2017, and that date will likely pass before the 90-day period expires; and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Sec. 1. 4 MRSA §1558, as enacted by PL 2013, c. 406, §1, is repealed.

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

Effective June 7, 2017.

CHAPTER 139
H.P. 763 - L.D. 1085

**An Act To Amend the
Requirements for Licensure as
an Independent Practice
Dental Hygienist**

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

Whereas, Maine is experiencing a critical shortage of licensed dentists, especially in rural areas of the State; and

Whereas, this legislation removes a statutory barrier that currently prevents or delays certain dental hygienists from obtaining authority to open independent practices in this State; 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 §18345, sub-§2, ¶A, as enacted by PL 2015, c. 429, §21, is amended to read:

A. For independent practice dental hygienist authority: verification of 2,000 work hours of clinical practice.

~~(1) If the applicant has a bachelor's degree or higher in dental hygiene from a dental hygiene program accredited by the American Dental Association Commission on Dental Accreditation or its successor organization, verification of 2,000 work hours of clinical practice during the 4 years preceding the application; or~~

~~(2) If the applicant has an associate degree in dental hygiene from a dental hygiene program accredited by the American Dental Association Commission on Dental Accreditation or its successor organization, verification of 5,000 work hours of clinical practice during the 6 years preceding the application.~~

For purposes of meeting the clinical practice requirements of this paragraph, the applicant's hours in a private dental practice or nonprofit setting under the supervision of a dentist may be included as well as the applicant's hours as a public health dental hygienist or, prior to ~~the effective date of this Act~~ July 29, 2016, as a dental hygienist with public health supervision status;

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

Effective June 7, 2017.

CHAPTER 140
H.P. 43 - L.D. 56

**An Act To Include 50 Milliliter
and Smaller Liquor Bottles in
the Laws Governing
Returnable Containers**

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

Sec. 1. 38 MRSA §3103, sub-§4, as enacted by PL 2015, c. 166, §14, is amended to read:

4. Wine and spirits containers. For wine and spirits containers of 50 milliliters or less, the refund

value may not be more than 5¢. For wine and spirits containers of greater than 50 milliliters, the refund value may not be less than 15¢.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Alcoholic Beverages - General Operation 0015

Initiative: Provides an allocation for additional contract costs for the spirits administration contract to include redemption of 50 milliliter bottles, which is not included in the current contract.

STATE ALCOHOLIC BEVERAGE FUND	2017-18	2018-19
All Other	\$580,000	\$862,763
STATE ALCOHOLIC BEVERAGE FUND TOTAL	\$580,000	\$862,763

Sec. 3. Effective date. That section of this Act that amends the Maine Revised Statutes, Title 38, section 3103, subsection 4 takes effect January 1, 2019.

See title page for effective date, unless otherwise indicated.

CHAPTER 141

H.P. 230 - L.D. 297

An Act To Improve the Administration of Election Recounts

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

Sec. 1. 21-A MRSA §696, sub-§2, ¶E, as amended by PL 2009, c. 253, §32, is further amended to read:

E. If a voter writes in a write-in space the name of a person who has not filed a declaration of write-in candidacy as provided by section 722-A, the vote for that office may not be counted ~~except in accordance with section 737-A, subsection 2-A.~~

Sec. 2. 21-A MRSA §722, sub-§1, as amended by IB 2015, c. 3, §4, is further amended to read:

1. How tabulated. The Secretary of State shall tabulate all votes that appear by an election return to have been cast for each question or candidate whose name appeared on the ballot. For offices elected by ranked-choice voting, the Secretary of State shall tabu-

late the votes according to the ranked-choice voting method described in section 723-A. The Secretary of State shall tabulate the votes that appear by an election return to have been cast for a declared write-in candidate ~~and shall tabulate the votes that appear to have been cast for an undeclared write-in candidate~~ based on a recount requested and conducted pursuant to section 737-A, subsection 2-A.

Sec. 3. 21-A MRSA §737-A, first ¶, as amended by PL 2015, c. 447, §27, is further amended to read:

Once a recount is requested for an election for the office of State Senator or State Representative or for a county office that does not encompass more than one county, the Secretary of State shall notify the State Police, who shall take physical control of all ballots and related materials involved in the recount as soon as possible, ~~except that~~. When a recount is requested for a statewide office or congressional office or statewide referendum or an office or referendum for a county office that encompasses more than one county, the Secretary of State, ~~in agreement with the parties involved in the recount~~, may direct the State Police to retrieve ballots from certain voting jurisdictions so that the recount may be conducted in stages until the requesting candidate or the lead applicant for a referendum recount concedes or until all the ballots are recounted.

Sec. 4. 21-A MRSA §737-A, sub-§1, as amended by PL 2015, c. 447, §29, is further amended to read:

1. Deposit for legislative or single county office recount. This subsection applies to a recount for an election for the office of State Senator or State Representative or for a county office that does not encompass more than one county. All deposits required by this section must be made with the Secretary of State when a recount is requested by a losing candidate or an undeclared write-in candidate. Once the State Police have taken custody of the ballots and other election materials from the municipalities, the deposit made by the candidate requesting the recount is forfeited to the State if the resulting count fails to change the outcome of the election. If the recount reverses the election, the deposit must be returned to the candidate requesting the recount. The amount of the deposit is calculated as follows.

A. If the percentage difference shown by the official tabulation between the leading candidate and the requesting candidate is 1.5% or less of the total votes cast for that office, a deposit is not required.

B. If the percentage difference shown by the official tabulation between the leading candidate and the requesting candidate is more than 1.5% and