

# MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

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ONE HUNDRED AND SEVENTH LEGISLATURE

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**Legislative Document**

**No. 2324**

H. P. 2254

House of Representatives, March 26, 1976

Reported by Two Members from Commission on Health and Institutional Services Report in Report "B". Printed under Joint Rules No. 18

EDWIN H. PERT, Clerk

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SIX

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**AN ACT to Provide for the Licensing of Denturists.**

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

Sec. 1. 32 MRSA c. 77 is enacted to read:

**CHAPTER 77**

**DENTURIST ACT**

§ 5101. Definitions

As used in this chapter, unless the context otherwise indicates, the following words shall have the following meanings.

1. Board. "Board" means the Denturist Licensing Board as established by section 5111.

2. Denturism. "Denturism" means the construction, repair, relining, reproduction, duplication, supplying or furnishing of any full denture, and includes the taking of impressions of any part of the human oral cavity for the purpose of construction, repair, relining, reproduction, duplication, supplying or furnishing of any removable, full dentures. "Denturism" includes adjusting or attempting to adjust any removable, full dentures.

3. Denturist. "Denturist" means a person licensed to practice denturism.

§ 5102. License required

No person shall practice denturism or hold himself out as a denturist in any manner, or use the word "denturist," "licensed denturist" or any other

name, title, initial or description which implies that he is a licensed denturist in this State unless he is licensed by the board as a denturist.

#### § 5103. Exceptions

Nothing in section 5102 shall apply to:

1. Persons licensed to practice dentistry. Persons licensed to practice dentistry in this State in the regular discharge of their duties;
2. Dental students. Bona fide students of dentistry in pursuit of clinical studies;
3. Persons licensed to practice medicine. Persons licensed to practice medicine in this State in the regular discharge of their duties;
4. Dentists and dental technicians of the Armed Forces of the United States. Dentists and dental technicians of the Armed Forces of the United States, and of the United States Public Health Service, and of the Veterans' Administration of the United States, while engaged in the regular discharge of their duties under the jurisdiction of their respective departments; and
5. Dental laboratory technicians and dental laboratories. Dental laboratory technicians and dental laboratories, insofar as they are not engaged in the practice of denturism.

#### § 5104. Requirements for license

No person shall be licensed as a denturist unless the person is at least 18 years of age and is a resident of this State, and has fulfilled the following education requirements:

1. Bacteriology. Fifty hours of bacteriology;
2. Anatomy. Fifty hours of anatomy;
3. Inter-oral procedures. Fifty hours of inter-oral procedures; and
4. Inter-oral practice. Fifty hours of inter-oral practice.

A person shall not qualify to take these education requirements unless that person has engaged in all laboratory phases of denture technology for 5 years. However, if a person has completed 2 years of dental laboratory education in all laboratory phases of denture technology, he shall be eligible to become a denturist after engaging in all phases of laboratory denture technology after 3 years.

#### § 5105. Application

An applicant for a license as a denturist shall file an application on a form provided by the board on or before the 45th day prior to the date of the next succeeding examination given by the board. The application for a license shall be accompanied by a payment of a nonrefundable examination fee of \$25.

#### § 5106. Examination

Upon satisfaction of the requirements of section 5104 and upon payment of the examination fee, the board shall give the applicant an examination con-

sisting of practical and written examinations on such subjects as the board may prescribe.

§ 5107. License fee; procedure

Upon payment of a fee of \$100, the board shall issue a license as a denturist to an applicant who meets the requirements of 5104.

1. **Validity.** Licenses shall be valid for a period ending June 30th of the year following issuance.

2. **Notice of address.** A person licensed to practice denturism in this State shall provide to the board a written statement of the address of his place of business or his place of employment as soon as it is known. A notice of any change of address shall be provided to the board within 30 days of the change of address.

§ 5108. Duplication of license

Upon payment of a fee of \$10, and upon satisfactory proof of the loss of any license issued in accordance with this chapter, the board may issue a duplicate license.

§ 5109. Renewal of license

On or before July 1st of each year, a licensed denturist may renew his license by paying an annual renewal fee of \$25 to the board.

A license which is not renewed by July 1st of each year is void. A license may be renewed after its expiration date upon payment of the renewal fee for each intervening year, plus a penalty of \$50, except that no renewal shall be allowed under this section after 5 years from the date of expiration.

§ 5110. Display of license

A license shall be conspicuously displayed in the place of business or employment of a licensed denturist.

§ 5111. Denturist Licensing Board

There is created within the Department of Human Services a Denturist Licensing Board. The board shall consist of 7 members appointed by the Governor from recommendations supplied by the Commissioner of Human Services.

1. **Membership.** Members of the board shall be residents of this State; 4 members shall be licensed denturists; 2 members shall be dentists and one shall be a consumer member.

2. **Term.** A member shall serve for a term of 3 years. In the event of a vacancy, the Governor shall appoint a member to fill the unexpired term.

3. **Compensation.** Members are entitled to compensation and expenses while engaged in the business of the board.

Notwithstanding the qualifications of the members of the board specified in this section, of the members first appointed to the board, members shall

be persons who are eligible to take an examination to practice denturism in this State. If within one year of the effective date of this Act the denturist members of the board have not obtained a license, they shall be terminated and licensed denturists appointed.

Notwithstanding the terms of office of the members of the board specified in this section, of the members first appointed to the board: Two shall serve for a term ending June 30, 1978; 2 shall serve for terms ending June 30, 1979; and 3 shall serve for terms ending June 30, 1980.

#### § 5112. Powers and duties

In addition to any other functions granted by this chapter, the board shall have the power to:

1. Rules and regulations. To adopt rules for the purpose of regulating the practice of denturism and for the purpose of administering and enforcing the provisions of this chapter;

2. Educational standards. To establish continual educational standards for courses of study in denturism;

3. Examinations. To prepare and conduct qualifying examinations and to grant licenses to qualified applicants in accordance with the rules established under this section;

4. Complaints; hearings. To investigate and initiate hearings upon its motion or any complaint on all matters relating to the practice of denturism, its licensees or the enforcement of sections 5101 to 5118;

5. Personnel. To authorize the employment of such personnel necessary to carry out the provisions of section 5101 to 5118;

6. President; seal. The board shall elect a president who shall serve for one year. The board shall adopt rules to govern their proceedings. A seal of the board shall be affixed to all acts, licenses and documents issued by the board;

7. Meetings. The board shall hold meetings at such times as determined by the board. Four members shall constitute a quorum.

#### § 5113. Executive secretary

The board shall appoint an executive secretary and affix a salary. The secretary shall keep all records of the proceedings of the board, property of the board, all licensed persons under the board and all applicants to the board.

The executive secretary shall give to the board a bond in an amount determined by the board for faithful performance of duties. The expense of the bond shall be paid by the board.

#### § 5114. Powers and duties of executive secretary

The executive secretary shall receive all fees and moneys paid to the board and shall deposit the funds with the Treasurer of State. The secretary shall also keep records of receipts and disbursements, subject to audit by the State Auditor.

The State Controller shall place the board's funds in a special revenue account and disbursement shall be made only upon presentation of an official voucher signed by the secretary of the board.

On or before December 10th of each year, the secretary shall file a report of all receipts and disbursements for that fiscal year ending on the preceding June 30th with the Secretary of State.

#### § 5115. License provisions

No person shall sell or barter, offer to sell or barter, any license purporting to be issued in accordance with this chapter; permit another person to use or display the license as the license of such other person; materially alter any license; use or attempt to use any license which has been purchased, fraudulently obtained, counterfeited or materially altered, either as a license or color of license to practice denturism or to procure registration as a denturist; practice denturism under a false name; willfully make a false statement on any application or affidavit required by the board for licensing as a denturist; practice denturism under any title or name without causing it to be displayed in a conspicuous manner and in a conspicuous place; knowingly employed or use the services of an unlicensed person to practice denturism except as permitted by sections 5108 to 5118; or practice denturism while their license is suspended, revoked or void.

Within 10 days after demand made by the board, a person shall furnish the board with the names and addresses of all persons employed at the place of business, together with a sworn statement showing under and by what license or authority such persons are and have been practicing denturism. Each licensed denturist may employ no more than 3 nonlicensed persons, all of whom must be under the direct supervision of a licensed denturist.

#### § 5116. Litigation

In its own name, the board may maintain a suit for an injunction against any persons violating any provision of section 5102. The suit shall be commenced and prosecuted in the same manner as other suits. An injunction may be issued without proof of actual damage sustained by an person.

#### § 5117. Statement of condition

The denturist shall not take impressions, fit dentures or engage in any phase of denturism except effecting repairs to dentures until the person has obtained and submits from a licensed dentist or medical doctor a signed statement dated within 30 days of the date of submission that the person's oral cavity is substantially free from disease and mechanically sufficient to receive an appropriate denture. The form of the statement shall be prescribed by the board. A copy of the statement shall be retained by the dentist or medical doctor for at least 2 years. A copy of the statement shall be retained by the denturist for at least 2 years.

#### § 5118. Insurance coverage

Notwithstanding any provisions of any policy of insurance covering dental health, whenever such policy provides for reimbursement for any service

which is within the lawful scope of practice of a duly licensed denturist, the insured under such policy shall be entitled to reimbursement for such service, whether the service is performed by a licensed dentist or a duly licensed denturist.

**§ 5119. Penalty**

On or after July 1, 1977, violation of any provisions of this chapter shall be punishable by a fine of not more than \$2,000, or by imprisonment for not more than 6 months, or by both.

**Sec. 2. Effective date.** This Act shall become effective on July 1, 1977.