

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST SPECIAL SESSION
November 28, 1995 to December 1, 1995

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NON-EMERGENCY LAWS IS
JULY 4, 1996

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

J.S. McCarthy Company
Augusta, Maine
1995

"A STATEMENT OF MAINE LAW GOVERNING THE SALE OF DOGS AND CATS:

The sale of dogs and cats is subject to consumer protection regulations. Maine law also provides safeguards to protect pet dealers and animal purchasers. Attached is a copy of the Maine Revised Statutes, Title 7, chapter 745. Contained in this law is a statement of your consumer rights and remedies. Also attached is your pet's health history and specific warranty information."

2. Oral notice. In addition, all medical information required to be disclosed pursuant to this section must be orally disclosed to the purchaser by the dealer prior to purchase.

The statement of consumer rights must also contain or have attached the disclosure required under section 4152 and the name and phone number of the state agency to be contacted in the event of perceived violations of this chapter.

§4161. Limitation

This chapter does not limit the rights or remedies that are otherwise available to a purchaser under any other law. An agreement or contract by a purchaser to waive rights under this chapter is void and unenforceable.

§4162. Additional penalties

1. Criminal penalty. A person who violates a United States Department of Agriculture statute or regulation covering animal breeders or groomers, pet dealers or the transportation of animals commits a Class E crime.

2. Civil penalty. A pet dealer commits a violation for which a forfeiture not to exceed \$1,000 per violation may be adjudged if the dealer:

A. Sells an animal without delivery of the disclosure required in section 4152;

B. Fails to maintain the records required by section 4154;

C. Fails to post the notice required by section 4159;

D. Fails to provide the statement of consumer rights required by section 4160; or

E. Sells an animal in violation of section 4153.

3. Action against license. The department may file an action in Administrative Court to revoke or suspend the license of a pet dealer who violates any provision of this chapter.

See title page for effective date.

CHAPTER 590

S.P. 342 - L.D. 947

**An Act to Amend the Laws
Pertaining to the Regulation of
Denturists**

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

Sec. 1. 32 MRSA §1085, as amended by PL 1993, c. 600, Pt. A, §68, is further amended to read:

§1085. Endorsement; fees

The board is authorized, at its discretion, without the examination as provided, to issue a license to an applicant who furnishes proof, satisfactory to the board, that the applicant has been licensed to practice dentistry in another state after full compliance with the requirements of its dental laws. If an applicant is licensed to practice dentistry in another state, that applicant's professional education may not be less than is required in this State and the applicant must have been at least 5 years in actual practice in the state in which the license was granted. Applicants for licensure by endorsement who meet the requirements of this section must be interviewed in person by the board or members of the board, prior to being issued a license. Every license of this type issued by the board must state upon its face the grounds upon which it is issued and the applicant may be required to furnish proof upon affidavit. The fee for the license is determined by the board, but may not be more than \$300.

Sec. 2. 32 MRSA §1099, as amended by PL 1993, c. 600, Pt. A, §85, is further amended to read:

§1099. Endorsement

The board may at its discretion, without examination, issue a license to an applicant to practice dental hygiene who furnishes proof satisfactory to the board that the dental hygienist has been duly licensed to practice in another state after full compliance with the requirements of its dental laws, except that the professional education may not be less than is required in this State. The board may require letters of reference as to ability. Applicants for licensure by endorsement who meet the requirements of this section must be interviewed in person by the board or

members of the board prior to being issued a license. Every license so given must state upon its face that it was granted on the basis of endorsement. The fee for that license must be determined by the board, but may not be more than \$100.

Sec. 3. 32 MRSA §1100-B, sub-§2, as amended by PL 1981, c. 440, §16, is further amended to read:

2. Denturist. "Denturist" means a person licensed under this subchapter to engage engaging in the practice of denture technology under the supervision of a dentist of record denturism.

Sec. 4. 32 MRSA §1100-B, sub-§3, as amended by PL 1993, c. 600, Pt. A, §88, is further amended to read:

3. Practice of denturism. "Practice of denture technology denturism" means only:

A. The taking of denture impressions and bite registration for the purpose of or with a view to the making, producing, reproducing, construction, finishing, supplying, altering or repairing of a complete upper or complete lower prosthetic denture, or both, to be fitted to an edentulous arch or arches;

B. The fitting of a complete upper or lower prosthetic denture, or both, to an edentulous arch or arches, including the making, producing, reproducing, constructing, finishing, supplying, altering and repairing of dentures; and

C. The procedures incidental to the procedures specified in paragraphs A and B, as defined by the board.

Sec. 5. 32 MRSA §1100-C, as amended by PL 1995, c. 353, §§9 and 10, is further amended to read:

§1100-C. Rules

1. Rules required. ~~Not later than May 1, 1996, the~~ The board shall adopt rules relating to the licensing of denturists necessary to implement this subchapter. Rules adopted may pertain, but are not limited to, continuing education, statement of oral conditions and other record retention requirements, prelicensure permits and the specification of other procedures incidental to the practice of denturism.

2. Contents. ~~The rules adopted pursuant to subsection 1 must pertain, but are not limited to, the following:~~

A. ~~The administrative procedures relating to the issuance, refusal to issue, suspension and revocation of licenses;~~

~~B. The establishment of equivalency training and experience standards for the purpose of eligibility for the issuance of temporary denturist licenses;~~

~~C. The methods by which and the conditions under which denturists are required to practice denture technology for both temporary and full licensure;~~

~~D. The establishment of educational requirements for the purpose of eligibility for both temporary and full licensure; and~~

~~F. The specification of other procedures incidental to the practice of denture technology that may be practiced by a denturist.~~

5. Temporary denturist permit. The board may issue temporary permits to persons who demonstrate to the satisfaction of the board a minimum of 10 years, in some combination of training and experience in denture mechanics or technology or as a denture laboratory technician. The board shall keep a record of supervising dentists and may charge the applicant an annual permit fee that may not exceed \$25. A permit holder must practice denturism under the direct supervision of a dentist. The board may not issue a permit under this provision after January 1, 2000.

Sec. 6. 32 MRSA §1100-D, as amended by PL 1993, c. 600, Pt. A, §89, is further amended to read:

§1100-D. Examinations

1. Authority. The board is authorized to prepare and give examinations in the area of denture technology denturism for the purpose of licensing denturists. All examinations prepared and given under this subchapter may be prepared and given by the full board ~~or~~ by an appointed subcommittee of the board or by an entity authorized by the board. The board may also recognize a nationally or regionally administered examination given at least annually for applicants to practice denture technology denturism in the State.

1-A. Examination content. Denturist examinations must consist of a clinical examination and a written examination concerning, but not limited to, dental materials, denture technology, United States Department of Health and Human Services Centers for Disease Control guidelines, basic anatomy and basic pathology.

2. Eligibility for examination. A person is eligible to take the examination pursuant to subsection 1 who:

A. Is 18 years of age or older;

B. Is a high school graduate; and

C. Has successfully completed a minimum of 2 years of training in denture technology and related areas, as approved by the board, or has demonstrated equivalent training and experience, as determined by the board.

2-A. Eligibility for examination. Eligibility for taking the examination pursuant to subsection 1 is determined as follows:

A. Until January 1, 2000, a person is eligible to take the denturism examination if that person:

(1) Is a high school graduate or has obtained high school equivalency;

(2) Has completed and can demonstrate to the satisfaction of the board a minimum of 10 years in some combination of training and experience in denture mechanics or technology or as a denture laboratory technician; and

(3) Has successfully completed one postsecondary course in basic human anatomy and physiology and one postsecondary course in basic pathology. The courses must be either approved by the board or administered by an institution accredited by an agency approved by the board; or

B. A person is eligible to take the examination if that person:

(1) Is a high school graduate or has obtained high school equivalency; and

(2) Has a diploma from a board-approved denturism postsecondary institution or has completed an equivalent denturist educational program approved by the board.

3. Application for examination; fee. An eligible person desiring to take the ~~the~~ an examination in order to become licensed as a denturist shall make a written application to the board to take the examination. This application must be accompanied by a an application fee, to be determined by the board, but not to exceed \$100 and an examination fee to be determined by the board that may not exceed the actual cost of the examination. The application fee includes the fee for the initial license and is nonrefundable.

4. Additional examinations; fee. An applicant failing to pass ~~the~~ an examination is entitled to ~~at least one additional examination and shall pay a reexamination~~ upon payment of the examination fee set by the board. If an applicant has failed 3 examinations, the board may require the applicant to complete additional educational requirements prior to reexamination.

Sec. 7. 32 MRSA §1100-E, as amended by PL 1993, c. 600, Pt. A, §90, is further amended to read:

§1100-E. Licenses; endorsement

1. Authority. The board has the authority to issue licenses to qualified persons to practice ~~denture technology~~ denturism pursuant to this subchapter.

2. License issued. The board shall issue a license for the practice in this State to each person who has passed ~~the~~ an examination under section 1100-D. This license authorizes the licensee to practice as a denturist in the State ~~for the year in which it is issued~~ until the expiration date that appears on the license.

3. Renewal; renewal fee. After a license has been issued under subsection 2, and on or before January 1st of odd-numbered years, a denturist must pay to the board a license renewal fee of not more than \$100 to be determined by the board in order to renew the license and to continue to be authorized to practice as a denturist in the State or 1/2 the biennial licensure fee if application is made in an even-numbered year.

After the requirements for a license renewal, including any necessary continuing education, have been met, a renewal card of the denturist's license ~~for that year~~ must be issued, which the denturist shall place beside or attach to the denturist's initial license. Denturists who have not paid as provided by January 1st must be reinstated upon payment of a fee, to be determined by the board, of not more than \$50 if paid by February 1st. A license to practice is automatically suspended on February 1st and may be reinstated, if approved by the board, on payment of a fee to be determined by the board of not more than \$100.

4. Endorsement. The board ~~may~~, at its discretion, without examination, may issue a license to an applicant to practice as a denturist who furnishes proof satisfactory to the board that the denturist has been licensed to practice and has actively practiced for a period of 5 years in another state or Canadian province after full compliance with the requirements of its dental laws, if the licensure requirements are, in all essentials, at least equivalent to those of this State. The board may require letters of reference about the denturist. Applicants for licensure by endorsement who meet the requirements of this section must be interviewed in person by the board, or members of the board, prior to being issued a license. Every license so given must state upon its face that it was granted on the basis of endorsement. The fee for the license ~~is~~ may not exceed \$100.

4-A. Duplicate license. ~~An applicant for a duplicate license granted~~ A licensee must be issued a

duplicate license by the board for a fee of \$15 upon ~~proof attestation~~ of loss of the original shall pay a fee of \$15.

5. Additional prohibitions. A denturist may not:

A. Falsely claim to be a licensed dentist or allow another to falsely represent the denturist as a licensed dentist;

~~B. Perform otherwise than at the direction and under the direct supervision of a dentist licensed by the board and practicing in the State. Direct supervision requires the dentist to be on the same premises as the denturist;~~

B-1. Practice denturism on a person without having first received a statement of current oral conditions dated and signed by a licensed dentist no more than 30 days prior to the initiation of treatment. The statement must stipulate that the person's oral cavity is substantially free from disease and structurally sufficient to receive a denture or dentures. This statement remains effective for one year from the date of signature for the purpose of any adjustments or alterations necessary on the denture or dentures for which the statement was originally issued;

C. Perform a task beyond the denturist's competence; or

D. Administer, dispense or prescribe a medication or controlled substance.

6. Mental or physical examination. For the purposes of this subsection, by the application for and acceptance of the license, a licensed denturist is deemed to have given consent to a mental or physical examination when directed by the board. The board may direct the examination whenever it determines a denturist may be suffering from a mental illness that may be interfering with the competent practice of ~~denture technology denturism~~ or from the use of intoxicants or drugs to an extent that they are preventing the denturist from practicing ~~denture technology denturism~~ competently and with safety to the patients. A denturist examined pursuant to an order of the board does not have the privilege to prevent the testimony of the examining individual or to prevent the acceptance into evidence of the report of an examining individual. Failure to comply with an order of the board to submit to a mental or physical exam requires the Administrative Court to immediately order the license of the denturist suspended until the denturist submits to the examination.

Sec. 8. 32 MRSA §1100-E-1 is enacted to read:

§1100-E-1. Continuing education

As a condition of a license renewal, a denturist licensee shall submit evidence of successful completion of 20 hours of continuing education consisting of board-approved courses completed within the 2 years preceding the application for renewal. The board shall proportionally reduce the continuing education hours required for denturists who have been licensed for less than a 2-year period upon the date of renewal.

Sec. 9. 32 MRSA §1100-G, as amended by PL 1993, c. 600, Pt. A, §91, is repealed.

Sec. 10. Denturist. By January 1, 2001 the Commissioner of Professional and Financial Regulation shall make a recommendation to the joint standing committee of the Legislature having jurisdiction over professional regulatory boards as to whether a licensed denturist should be included on the Board of Dental Examiners and the committee may submit legislation to implement its conclusion regarding this subject.

Sec. 11. Revision clause. Wherever in the Maine Revised Statutes, Title 32, chapter 16 the words "denture technology" appear or reference is made to those words, they are amended to read and mean "denturism," and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

CHAPTER 591

H.P. 1028 - L.D. 1443

An Act to Identify New Federal Mandates

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

Sec. 1. 5 MRSA §1670, as repealed and replaced by PL 1981, c. 534, Pt. D, is repealed and the following enacted in its place:

§1670. Notification procedure for new federal mandates

Every agency and department of the State shall submit to the State Budget Officer a list of any new laws, new regulations or other actions that may require the State to comply with any new federal mandate in the current biennium or the next biennium.

Each item listed must include how the mandate is funded, the required implementation date, the citations