

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

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
2001

any food 1% or less of which consists of genetically engineered ingredients to be labeled as free of genetically engineered ingredients. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

2. Department verification. The department may investigate a business operation that claims a food, food product or food ingredient sold in the State by the business operation is free of or made without recombinant deoxyribonucleic acid technology, genetic engineering or bioengineering for the purposes of verifying the claim.

3. Misbranding. If a manufacturer, distributor, processor, wholesaler or retailer falsely labels or advertises any food, food product or food ingredient offered for sale in the State as free of or made without recombinant deoxyribonucleic acid technology, genetic engineering or bioengineering, the food, food product or food ingredient is misbranded in violation of section 488.

Sec. 2. Rules. In adopting rules implementing the Maine Revised Statutes, Title 7, section 530-A, subsection 1, the Department of Agriculture, Food and Rural Resources shall base its proposed rule on the United States Food and Drug Administration "Draft Guidance for Industry: Voluntary Labeling Indicating Whether Foods Have or Have Not Been Developed Using Bioengineering," set forth in the Federal Register on January 18, 2001, Vol. 66, No. 12, pages 4839-4842.

See title page for effective date.

CHAPTER 335

H.P. 377 - L.D. 479

An Act Concerning Eligibility for ASPIRE-TANF Participation in Households where an Individual has a Physical or Mental Health Disability

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

Sec. 1. 22 MRSA §3785-A is enacted to read:

§3785-A. Sanction process

Prior to imposing a sanction against an individual, the department must complete the sanction process, which includes the following.

1. Procedures. Prior to imposing a sanction against an individual for failure to comply with

Temporary Assistance for Needy Families or ASPIRE-TANF rules, the department shall:

A. Thoroughly review the circumstances of the individual;

B. Provide the individual with a notice that states the basis for the sanction and a complete list of good cause reasons as set forth in section 3785;

C. Provide the individual with an opportunity to inform the department of good cause circumstances under section 3785; and

D. Obtain supervisory approval of the recommendation of the case manager to impose a sanction.

2. Information and report. The department shall maintain the following data, compiled and maintained by county and by calendar month, regarding the imposition of sanctions:

A. The number of sanctions recommended by case managers to supervisors; and

B. The number of sanctions denied or approved and imposed by the department.

3. Rulemaking. The department shall adopt rules to implement the sanction procedures required by this section. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter II-A.

Sec. 2. 22 MRSA §3788, sub-§3, as amended by PL 1997, c. 530, Pt. A, §26, is further amended to read:

3. Assessment. Each participant's case manager shall conduct an assessment to determine that individual's education, training and employment needs based on available program resources, the participant's skills and aptitudes, the participant's need for supportive services, local employment opportunities, the existence of any good cause circumstances under section 3785 and, to the maximum extent possible, the preferences of the participant. The department shall document findings in the participant's case record indicating any barriers to participation, including, but not limited to, any physical or mental health problems or other good cause circumstances specified in section 3785.

Sec. 3. 22 MRSA §3788, sub-§11, ¶D is enacted to read:

D. If a claim of disability or other good cause is made by a participant, the department shall assess the circumstances of the claim. If good cause is found to exist, the department shall offer

reasonable alternative participation requirements and document them in the participant's family contract and case record.

See title page for effective date.

CHAPTER 336

H.P. 423 - L.D. 544

An Act to Eliminate Unnecessary Paperwork for Wage-hour Compliance

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

Sec. 1. 26 MRSA §664, sub-§3, ¶A, as enacted by PL 1995, c. 305, §1, is amended to read:

A. Automobile mechanics, automobile parts clerks and automobile salesmen as defined in section 663. The interpretation of these terms must be consistent with the interpretation of the same terms under federal overtime law, 29 United States Code, Section 213;

See title page for effective date.

CHAPTER 337

S.P. 520 - L.D. 1639

An Act to Improve the Licensing and Regulation of Denturists

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

Sec. 1. 13 MRSA §705, as amended by PL 1997, c. 313, §1, is further amended to read:

§705. Corporate organization

An individual or group of individuals duly licensed or otherwise legally authorized to render the same professional service within this State may organize and become a shareholder or shareholders of a professional corporation under the corporation laws for the sole and specific purpose of rendering the same and specific professional service. Notwithstanding any other provisions of law, for the purposes of this chapter, osteopathic physicians licensed under Title 32, chapter 36 and physicians and surgeons licensed under Title 32, chapter 48 are considered to render the same professional service. Notwithstanding any other provision of law, for the purposes of this chapter, optometrists licensed under Title 32, chapter 34-A and ophthalmologists licensed under Title 32, chapter 36 or

48 may organize and become the sole shareholders of the same professional corporation under the corporation laws for the sole and specific purpose of rendering their respective professional services that are considered to be complementary to one another. Notwithstanding any other provision of law, for the purposes of this chapter, a denturist licensed under Title 32, chapter 16 may organize with a dentist who is licensed under Title 32, chapter 16 and may become a shareholder of a dental practice incorporated under the corporation laws. At no time may a denturist or denturists in sum have an equal or greater ownership interest in a dental practice than the dentist or dentists have in that practice.

Sec. 2. 32 MRSA §1081, sub-§3, ¶¶A and C, as amended by PL 1993, c. 600, Pt. A, §63, are further amended to read:

A. Employs dentists or dental hygienists, denturists or other dental auxiliaries in the operation of a dental office;

C. Retains the ownership or control of dental equipment or material or a dental office and makes the same available in any manner for the use by dentists or dental hygienists or other agents, except that nothing in this subsection applies to bona fide sales of dental equipment or material secured by a chattel mortgage or retain title agreement. A person licensed to practice dentistry may not enter into arrangements with a person who is not licensed to practice dentistry, with the exception of licensed denturists pursuant to the provisions of Title 13, section 705.

Sec. 3. 32 MRSA §1100-D, sub-§2-A, ¶A, as enacted by PL 1995, c. 590, §6, is repealed.

Sec. 4. 32 MRSA §1100-E, sub-§5, ¶B-1, as enacted by PL 1995, c. 590, §7, is repealed.

See title page for effective date.

CHAPTER 338

H.P. 789 - L.D. 1033

An Act to Make Child Care More Accessible for Parents in Transition From Welfare to Work

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

Sec. 1. 22 MRSA §3762, sub-§3, ¶B, as amended by PL 1999, c. 401, Pt. S, §3, is further amended by amending subparagraph (6) to read: