

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 1, 2004 to March 30, 2005**

**FIRST SPECIAL SESSION**  
**April 4, 2005 to June 18, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 29, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 17, 2005**

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

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2005**

As a prerequisite to maintaining a license, licensees must complete ~~30 hours of a~~ continuing education requirement every 2 years in programs or courses approved by the superintendent. The superintendent may establish by rule the amount of continuing education credit hours, not to exceed 30 hours, required under this section. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. The superintendent may, for good cause shown, grant an extension of time to any person to allow that person to comply with this subchapter.

See title page for effective date.

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## CHAPTER 44

S.P. 228 - L.D. 691

### An Act To Provide Public Health Protection Authority to the Department of Marine Resources

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

**Sec. 1. 12 MRSA §6171-C** is enacted to read:

**§6171-C. Protection of public health**

**1. Commissioner's powers.** The commissioner may, with the advice and consent of the Marine Resources Advisory Council, adopt or amend such rules as the commissioner considers necessary to protect public health.

**2. Emergency rules.** The commissioner may adopt or amend rules under the emergency procedures if immediate action is necessary to protect public health.

**3. Procedure.** The procedures of subchapter 2 must be used in adopting or amending rules authorized by this section.

Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 2. 12 MRSA §6172, sub-§1-B** is enacted to read:

**1-B. Advisory council.** Notwithstanding section 6171-C, the advice and consent of the Marine Resources Advisory Council is not required prior to adoption of a rule under this section.

**Sec. 3. 12 MRSA §6192, sub-§1, ¶A**, as amended by PL 2003, c. 248, §5, is further amended to read:

A. In an emergency adoption of a rule or amendment to a rule relating to the public health and safety, including rules authorized under ~~sections 6171-C and 6172~~, prior public notice and hearing is not required.

See title page for effective date.

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## CHAPTER 45

S.P. 314 - L.D. 906

### An Act To Amend the Laws Regarding the Licensure of Dentists, Dental Hygienists and Denturists

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

**Sec. 1. 32 MRSA §1074**, as amended by PL 1993, c. 600, Pt. A, §60, is further amended to read:

**§1074. Affiliation with American Association of Dental Examiners**

The board may affiliate with the American Association of Dental Examiners or its successor as an active member and pay regular dues to that association and may send one or more delegates to the meetings of the American Association of Dental Examiners or its successor. These delegates are entitled to receive compensation provided for in section 1071.

**Sec. 2. 32 MRSA §1085**, as amended by PL 2003, c. 669, §6, 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 or a Canadian province after full compliance with the requirements of its dental laws. If an applicant is licensed to practice dentistry in another state or a Canadian province, that applicant's professional education may not be less than is required in this State and the applicant must have been at least 3 years in actual practice in the state or Canadian province 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. The personal interview may be waived at the board's discretion based upon proof of overseas military deployment; however, the applicant shall submit to an interview by telephone or the equivalent as determined by the board. 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 \$550.

**Sec. 3. 32 MRSA §1089**, as amended by PL 1993, c. 600, Pt. A, §71 and PL 2003, c. 689, Pt. B, §6, is further amended to read:

**§1089. Drugs and dental procedure**

A dentist ~~has the right to~~ may prescribe drugs or medicines, perform surgical operations, administer ~~general and~~ local anesthetics and use appliances as may be necessary for proper dental treatment. A dentist may also, with the appropriate permit issued by the board, administer general anesthetics and conscious sedation. A dentist is authorized to take case histories and perform physical examinations to the extent the activities are necessary in the exercise of due care in conjunction with the provision of dental treatment or the administration of general or local anesthetics. A dentist is not permitted to perform physical examinations within a hospital licensed by the Department of Health and Human Services unless this activity is permitted by the hospital.

**Sec. 4. 32 MRSA §1098, first ¶**, as amended by PL 2003, c. 669, §8, is further amended to read:

The board shall issue a license to practice as a dental hygienist in this State to an individual who has met the licensure requirements. The license must be exhibited publicly at the person's place of employment. The license authorizes practice as a dental hygienist in this State for the year in which it is issued until the expiration date that appears on the license. On or before January 1st of each odd-numbered year, the dental hygienist must pay to the board a license renewal fee of not more than \$175 to be determined by the board ~~or 1/2 of the biennial licensure fee if the applicant applies in an even-numbered year.~~ Dental hygienists who have not paid ~~as provided the renewal fee on or before January 1st~~ must be reinstated upon payment of a late fee of not more than \$50 to be determined by the board if paid before February 1st of the year in which license renewal is due. Failure to be properly licensed by February 1st results in automatic suspension of a license to practice dental hygiene. Reinstatement may be made, if approved by the board, by payment to the secretary-treasurer of the board of a fee determined by the board of not more than \$175. A new applicant who has paid the application fee shall pay the biennial licensure fee if the applicant applies in an odd-numbered year or half the biennial licensure fee if the applicant applies in an even-numbered year.

**Sec. 5. 32 MRSA §1100-C, sub-§5**, as enacted by PL 1995, c. 590, §5, is repealed.

**Sec. 6. 32 MRSA §1100-E, sub-§3**, as amended by PL 2003, c. 669, §13, is further amended to read:

**3. Renewal; renewal fee.** After a license has been issued under subsection 2, and on or before January 1st of odd-numbered years, a dentist must pay to the board a license renewal fee of not more than \$175 to be determined by the board in order to renew the license and to continue to be authorized to practice as a dentist 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 dentist's license must be issued, which the dentist shall place beside or attach to the dentist's initial license. Denturists who have not paid ~~as provided by the renewal fee on or before~~ January 1st must be reinstated upon payment of a late 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 \$175. A new applicant who has paid the application fee shall pay the biennial licensure fee if the applicant applies in an odd-numbered year or 1/2 the biennial licensure fee if the applicant applies in an even-numbered year.

See title page for effective date.

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**CHAPTER 46**

**S.P. 151 - L.D. 464**

**An Act To Prohibit Certain Uses of a Financial Institution's Name**

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

**Sec. 1. 24-A MRSA §2154**, as enacted by PL 1969, c. 132, §1, is amended to read:

**§2154. False information, advertising**

~~No~~ A person ~~shall~~ may not make, publish, disseminate, circulate, or place before the public, or cause, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in a newspaper, magazine or other publication, or in the form of a notice, circular, pamphlet, letter or poster, or over any radio or television station, or in any other way, an advertisement, announcement or statement containing any assertion, representation or statement with respect to the business of insurance or with respect to any person in the conduct of ~~his~~ that ~~person's~~ insurance business, ~~which~~ that is untrue,