

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.

Penmor Lithographers
Lewiston, Maine
2005

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.

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,

deceptive or misleading or that uses the name of a financial institution without that financial institution's express written permission unless the person discloses that the person does not have permission to use the financial institution's name and the person discloses that the person is not affiliated with the financial institution.

See title page for effective date.

CHAPTER 47

S.P. 242 - L.D. 744

An Act To Make Technical Changes to the Laws Establishing the Lincoln and Sagadahoc Multicounty Jail Authority

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

Whereas, this legislation needs to take effect before the expiration of the 90-day period to allow the Lincoln and Sagadahoc Multicounty Jail Authority to issue bonds in a timely fashion; 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. 30-A MRSA §1851, sub-§4 is enacted to read:

4. Establishment. The Lincoln and Sagadahoc Multicounty Jail Authority is established as a public body corporate and politic and a public instrumentality of the counties, and the exercise by the authority of the powers conferred by this chapter must be deemed and held to be the performance of essential governmental functions.

Sec. 2. 30-A MRSA §1910 is enacted to read:

§1910. Liability

The liability of the jail authority is governed by Title 14, chapter 741. A member of the jail authority, a member of a board of the jail authority and an employee of the jail authority are not subject to any personal liability for having acted in the service of their duty within the course and scope of membership

or employment to carry out a power or duty under this chapter.

Sec. 3. Retroactivity. Those sections of this Act that enact the Maine Revised Statutes, Title 30-A, section 1851, subsection 4 and section 1910 apply retroactively to December 8, 2003.

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

Effective April 8, 2005.

CHAPTER 48

H.P. 189 - L.D. 250

An Act To Make Technical Corrections to Maine's Appellate Jurisdiction Laws Concerning Involuntary Hospitalization

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

Sec. 1. 4 MRSA §105, sub-§3, as enacted by PL 1999, c. 731, Pt. ZZZ, §3 and affected by §42, is amended to read:

3. Appellate jurisdiction. The Superior Court shall hear appeals as follows:

A. Administrative appeals brought pursuant to Title 5, chapter 375, subchapter ~~VII~~ 7 and the Maine Rules of Civil Procedure, Rules 80B and 80C; and

B. Appeals from the District Court:

(1) Brought pursuant to Title 14, section 6008;

(2) Brought pursuant to Title 14, chapter 738; ~~and~~

(3) As provided in Title 15, section 1-; and

(4) Brought pursuant to Title 34-B, section 3864, subsection 11.

Sec. 2. 14 MRSA §1901, sub-§3, as enacted by PL 1999, c. 731, Pt. ZZZ, §7 and affected by §42, is amended to read:

3. Exceptions. An appeal from the District Court is to the Superior Court in the case of:

A. An appeal in a forcible entry and detainer case, pursuant to section 6008 and the Maine Rules of Civil Procedure, Rule 80D(f); ~~and~~