

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

1099 and all submissions relating to public health supervision status of dental hygienists as defined by board rule. Upon completion of its review of an application or submission, the secretary of the subcommittee shall report to the board the subcommittee's recommended disposition of the application or submission, including issuance, renewal, denial or nonrenewal of a dental hygienist license. Notwithstanding the provisions of section 1098, the board shall adopt the subcommittee's recommended disposition of an application or submission unless no fewer than 2/3 of the board members who are present and voting vote to reject that recommended disposition.

Sec. 2. 32 MRSA §1098-D, sub-§2, ¶E, as enacted by PL 2003, c. 669, §10, is amended to read:

E. Have engaged in active clinical practice for a minimum of ~~5~~ 3 years prior to application;

Sec. 3. 32 MRSA §1099, as amended by PL 2003, c. 669, §11, 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 for at least 3 years to practice in another state or a Canadian province 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~~ Subcommittee on Dental Hygienist Submissions, as established in section 1079 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 \$175.

See title page for effective date.

CHAPTER 290

S.P. 551 - L.D. 1574

An Act To Assist Towns with the Implementation of the Laws Governing Growth Management

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

Sec. 1. 30-A MRSA §6006-D, sub-§1, ¶A, as amended by PL 1999, c. 776, §14, is further amended to read:

A. The purpose of the fund is to provide financial assistance under subsection 2 for the acquisition, design, planning, construction, enlargement, repair, protection ~~or~~ improvement or restoration of public service infrastructure and downtown improvements and for the acquisition of open space.

See title page for effective date.

CHAPTER 291

H.P. 344 - L.D. 469

An Act To Simplify the Real Estate Foreclosure Process

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

Sec. 1. 14 MRSA §6323, sub-§1, as enacted by PL 1993, c. 544, §1, is amended to read:

1. Procedures for all civil actions. Upon expiration of the period of redemption, if the mortgagor, or the mortgagor's successors, heirs or assigns have not redeemed the mortgage, any remaining rights of the mortgagor to possession terminate, and the mortgagee shall cause notice of a public sale of the premises stating the time, place and terms of the sale to be published once in each of 3 successive weeks in a newspaper of general circulation in the county in which the premises are located; the first publication to be made not more than 90 days after the expiration of the period of redemption. The public sale must be held not less than 30 days nor more than 45 days after the first date of that publication and may be adjourned, for any time not exceeding 7 days and from time to time until a sale is made, by announcement to those present at each adjournment. The mortgagee, in its sole discretion, may allow the mortgagor to redeem or reinstate the loan after the expiration of the period of redemption but before the public sale. The mortgagee may convey the property to the mortgagor or execute a waiver of foreclosure, and all other rights of all other parties remain as if no foreclosure had been commenced. The mortgagee shall sell the premises to the highest bidder at the public sale and deliver a deed of that sale and the writ of possession, if a writ of possession was obtained during the foreclosure process, to the purchaser. The deed conveys the premises free and clear of all interests of the parties in interest joined in the action. The mortgagee or any other party in interest may bid at the public sale. If the mortgagee is the highest bidder at the public sale,

there is no obligation to account for any surplus upon a subsequent sale by the mortgagee. Any rights of the mortgagee to a deficiency claim against the mortgagors are limited to the amount established as of the date of the public sale. The date of the public sale is the date on which bids are received to establish the sales price, no matter when the sale is completed by the delivery of the deed to the highest bidder.

See title page for effective date.

CHAPTER 292

S.P. 311 - L.D. 903

An Act To Strengthen the Penalties for Furnishing Alcohol to or Allowing Consumption of Alcohol by Minors

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

**Sec. 1. 28-A MRSA §2081, sub-§1, ¶¶A
and B**, as amended by PL 2003, c. 452, Pt. P, §9 and
affected by Pt. X, §2, are further amended to read:

A. Procure, or in any way aid or assist in procuring, furnish, give, sell or deliver liquor for or to a minor. The following penalties apply to violations of this paragraph.

(1) A person who violates this paragraph commits a Class D crime.

(2) A person who violates this paragraph commits a Class D crime for which ~~the a~~ a fine may of not be less than \$500 and may be imposed, none of which may not be suspended, if the violation involves a minor who is less than ~~44~~ 18 years of age.

(3) A person who violates this paragraph after having been previously convicted of violating this paragraph or paragraph B within a 6-year period commits a Class D crime for which ~~the a~~ a fine may of not be less than \$500 and \$1,000 may be imposed, none of which may not be suspended.

(4) A person who violates this paragraph after having been previously convicted of violating this paragraph or paragraph B 2 or more times within a 6-year period commits a Class D crime for which ~~the a~~ a fine may of not be less than \$1,000 and \$1,500 may be imposed, none of which may not be suspended.

(5) A person who violates this paragraph commits a Class C crime if the consumption of liquor by the minor in fact causes serious bodily injury to or death of the minor or any other individual. For purposes of this subsection, "serious bodily injury" has the same meaning as set out in Title 17-A, section 2, subsection 23;

B. Allow a minor under that person's control or in a place under that person's control to possess or consume liquor. The following penalties apply to violations of this paragraph.

(1) A person who violates this paragraph commits a Class D crime.

(2) A person who violates this paragraph commits a Class D crime for which ~~the a~~ a fine may of not be less than \$500 and \$1,000 may not be imposed, none of which may be suspended, if the violation involves a minor who is less than ~~44~~ 18 years of age.

(3) A person who violates this paragraph after having been previously convicted of violating this paragraph or paragraph A within a 6-year period commits a Class D crime for which ~~the a~~ a fine may of not be less than \$500 and \$2,000 may not be imposed, none of which may be suspended.

~~(4) A person who violates this paragraph after having been previously convicted of violating this paragraph or paragraph A 2 or more times within a 6-year period commits a Class D crime for which the fine may not be less than \$1,000 and may not be suspended.~~

(5) A person who violates this paragraph commits a Class C crime if the consumption of liquor by the minor in fact causes serious bodily injury to or death of the minor or any other individual. For purposes of this subsection, "serious bodily injury" has the same meaning as set out in Title 17-A, section 2, subsection 23;

See title page for effective date.

CHAPTER 293

S.P. 479 - L.D. 1380

An Act To Protect Use of Municipal Seals

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