

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

committee composed of no more than 15 members representing the custom vehicle and street rod industry to provide advice and technical assistance to the State Police regarding custom vehicles and recommendations on potential inspection standards and procedures. The Chief of the State Police shall report back to the Joint Standing Committee on Transportation no later than February 1, 2006. The report must include the status of the committee and any findings and recommendations for the committee's continuance, discontinuance or modification.

Sec. 6. Effective date. Those sections of this Act that enact the Maine Revised Statutes, Title 29-A, section 101, subsection 19-A; amend Title 29-A, section 457, subsections 1 and 6; and enact Title 29-A, section 458-B take effect July 1, 2006.

See title page for effective date, unless otherwise indicated.

CHAPTER 322

H.P. 1023 - L.D. 1461

An Act To Increase Access to Certain Dental Services

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

Sec. 1. 32 MRSA c. 16, sub-c. 3-A is enacted to read:

SUBCHAPTER 3-A

EXPANDED FUNCTION DENTAL ASSISTANT

§1094-D. Definitions

As used in this subchapter, unless the context otherwise indicates, "expanded function dental assistant" means an individual who holds a current valid certification under this subchapter to perform reversible intraoral procedures authorized by this subchapter under the direct supervision of a licensed dentist and under an assignment of duties by a dentist. As used in this subchapter, unless the context otherwise indicates, "reversible intraoral procedures" means placing and removing rubber dams and matrices; placing and contouring amalgam, composite and other restorative materials; applying sealants; supra gingival polishing; and other reversible procedures defined by the board not designated by this chapter to be performed only by licensed dentists or dental hygienists.

§1094-E. Procedures not authorized

An expanded function dental assistant may not perform the following procedures:

1. Examination, diagnosis and treatment planning. Complete or limited examination, diagnosis or treatment planning;

2. Surgical or cutting procedures. Surgical or cutting procedures of hard or soft tissue;

3. Prescribing drugs. Prescribing drugs, medications or work authorizations;

4. Performing pulp capping. Performing pulp capping, pulpotomy or other endodontic procedures;

5. Placement and adjustment of prosthetic appliances. Placement and intraoral adjustments of fixed or removable prosthetic appliances; or

6. Administration of anesthesia or sedation. Administration of local anesthesia, parenteral or inhalation sedation or general anesthesia.

§1094-F. Supervision

An expanded function dental assistant shall perform under the direct supervision of a dentist. As used in this section, "direct supervision" means that a dentist is in the dental office or treatment facility, personally diagnoses the condition to be treated, personally authorizes the condition to be treated and remains in the dental office or treatment facility while the procedure is being performed by the expanded function dental assistant and, before dismissal of the patient, evaluates the work performed by the expanded function dental assistant.

§1094-G. Qualifications

The board may certify as an expanded function dental assistant a person 18 years of age or older who submits an application on forms furnished by the board together with the required fee to be determined by the board, not to exceed \$100, and:

1. Holds certified dental assistant certificate or registered dental hygiene license and has completed training. Holds a current certified dental assistant certification or a current registered dental hygienist license and has successfully completed training in a school or program approved by the board; or

2. Is credentialed by another state or province. Is credentialed to perform as an expanded function dental assistant by another state or Canadian province, the standards of which are acceptable to the board.

The board may adopt routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A to implement this section.

§1094-H. Certification; renewal

Certificates must be renewed every 5 years. On or before the expiration of the certificate, the expanded function dental assistant must pay to the board a certification renewal fee of not more than \$100 to be determined by the board. Expanded function dental assistants who have not paid the renewal fee on or before the expiration of the 5-year certificate must be reinstated upon payment of a late fee of not more than \$50 to be determined by the board if paid within 30 days of the certificate's expiration date. Failure to be properly certified within 30 days results in automatic suspension of a certificate to practice. 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 \$100.

The board may adopt routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A to implement this section.

Sec. 2. 32 MRSA §1100-A, as amended by PL 1993, c. 600, Pt. A, §87, is further amended to read:

§1100-A. Definition

Duties of dental auxiliaries other than dental hygienists and expanded function dental assistants must be defined and governed by the rules of the Board of Dental Examiners. Dental auxiliaries include, but are not limited to, dental hygienists, dental assistants, expanded function dental assistants, dental laboratory technicians and denturists.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

**PROFESSIONAL AND FINANCIAL REGULATION,
DEPARTMENT OF**

Dental Examiners - Board of 0384

Initiative: Allocates funds for the costs associated with establishing a new category of dental assistant.

OTHER SPECIAL REVENUE FUNDS		
All Other	2005-06 \$0	2006-07 \$5,600
OTHER SPECIAL REVENUE		
FUNDS TOTAL	\$0	\$5,600

See title page for effective date.

CHAPTER 323

H.P. 1054 - L.D. 1502

**An Act To Implement
Recommendations of the Family Law
Advisory Commission**

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

Sec. 1. 19-A MRSA §105 is enacted to read:

§105. Award and payment of attorney's fees and other fees

1. Attorney's fees and costs. In an action under this Title, including actions to modify or enforce existing orders, the court may, after an opportunity for hearing, order a party, including a party in interest, to pay another party or another party's attorney reasonable attorney's fees, including costs, for participation in the proceedings.

2. While pending; part of final decision. In appropriate cases, the court may order fees and costs paid while an action is pending, including while on appeal, or may make an order as part of a final decision in a case.

3. Fees and expenses of 3rd-party participants. The court may order a party to pay reasonable fees and expenses of 3rd-party participants in the proceedings, including guardians ad litem, expert witnesses and providers of services, whether retained by a party or the court.

4. Interest; means of collection. Awards under this section are subject to the accumulation of statutory interest and may be collected by any means available under law, including, but not limited to, remedies available under Title 14 and Title 36, section 5276-A. Additional fees may be assessed in appropriate cases when additional fees are incurred for prosecuting collection actions.

Sec. 2. 19-A MRSA §352, sub-§1, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

1. Membership. The commission is composed of 9 11 members appointed by the Chief Justice of the Supreme Judicial Court. The members must have experience in practicing family law or be knowledgeable about family law. The membership of the commission must include:

- A. An active Superior Court Justice;
- B. An active District Court Judge;
- B-1. An active family case management officer;