

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

SECOND REGULAR SESSION
January 6, 2010 to April 12, 2010

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 12, 2010

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

Augusta, Maine
2010

Sec. K-2. 5 MRSA §933, sub-§1, ¶M, as enacted by PL 2005, c. 337, §2 and affected by §4, is repealed.

PART L

Sec. L-1. Adjustment for general purpose aid for local schools. Notwithstanding any other provision of law, the Department of Education is authorized to temporarily adjust payments to local school administrative units under the General Purpose Aid for Local Schools program in fiscal year 2009-10 pursuant to the curtailment of the allotment of \$38,098,223 contained in Executive Order 05 FY 10/11 dated November 20, 2009.

Sec. L-2. Report. The Department of Education shall report to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Appropriations and Financial Affairs regarding the implementation of this Part no later than March 1, 2010.

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

Effective January 21, 2010.

CHAPTER 463

H.P. 1070 - L.D. 1521

An Act To Clarify the State's Initiative Involving the Federal Post-9/11 Veterans Educational Assistance Act of 2008

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

Whereas, Public Law 2009, chapter 443 established a waiver of the tuition charges remaining for veterans who are using benefits under the federal Post-9/11 Veterans Educational Assistance Act of 2008 and who are enrolled as undergraduate students at any campus of the University of Maine System, the Maine Community College System and Maine Maritime Academy; and

Whereas, the legislative intent of Public Law 2009, chapter 443 was to establish a waiver of the tuition charges for eligible veterans in a manner that also provided the opportunity for the University of Maine System, the Maine Community College System and Maine Maritime Academy to receive the maximum possible funding from the federal Department of Veterans Affairs; and

Whereas, an unintended consequence of the provisions established by Public Law 2009, chapter

443 is that campuses of the University of Maine System, the Maine Community College System and Maine Maritime Academy would receive, in some cases, less than the in-state tuition rates that they charge to eligible veterans enrolled as undergraduate students; and

Whereas, immediate enactment of this legislation is necessary to prevent a significant and adverse fiscal impact for the campuses of the University of Maine System, the Maine Community College System and Maine Maritime Academy; 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. 20-A MRSA §10010, as enacted by PL 2009, c. 443, §1, is amended to read:

§10010. Veterans

Regardless of the state of residence, a veteran of the Armed Forces of the United States using the benefits under the Post-9/11 Veterans Educational Assistance Act of 2008 must receive a waiver from the tuition that remains after the application of all payments from the federal Department of Veterans Affairs, including payments under the Yellow Ribbon G.I. Education Enhancement Program in the Post-9/11 Veterans Educational Assistance Act of 2008, and the application of other nonrepayable resources for which the veteran may be eligible. The amount of the tuition waiver received by a veteran under this section may not exceed an amount that lowers the tuition to less than the in-state tuition charged by the institution. This section applies to all veterans enrolled at any campus of the University of Maine System, the Maine Community College System or Maine Maritime Academy in an undergraduate program of education.

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

Effective February 8, 2010.

CHAPTER 464

H.P. 1069 - L.D. 1520

An Act To Allow the Board of Dental Examiners To Grant Permits to Qualified Individuals To Practice as Dental Residents

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

Sec. 1. 32 MRSA §1086, as amended by PL 1997, c. 107, §7, is further amended by adding at the end a new paragraph to read:

The board has the authority, upon presentation of satisfactory credentials and fulfillment of other conditions set by rule adopted by the board, to issue a permit to a graduate of an approved dental school or college who has not been licensed to practice dentistry in this State, who has passed an examination for licensure in this State and who, in the board's judgment, has not violated a provision of this chapter or rules adopted by the board to serve as a dental resident in a board-approved dental setting within the State. The board must, prior to the issuance of a permit under this paragraph, determine that the supervision and control of the services to be performed by the dental resident are adequate and that the performance of these services by the dental resident are within the dental resident's dental knowledge and skill. The dental resident must function under the supervision and direction of a dentist licensed in this State. A permit under this paragraph may not be valid for more than one year. The board may charge a fee up to \$50 for a permit.

See title page for effective date.

CHAPTER 465

H.P. 1110 - L.D. 1572

An Act To Correct Errors in the Laws Relating to Unlicensed Practice and Other Provisions of the Professional and Occupational Licensing Laws

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

Sec. 1. 10 MRSA §8003-B, sub-§1, as amended by PL 1999, c. 687, Pt. C, §10, is further amended to read:

1. During investigation. Unless otherwise provided by Title 24, chapter 21, all complaints and investigative records of the licensing boards ~~and~~ commissions and regulatory functions within or affiliated with the Department of Professional and Financial Regulation are confidential during the pendency of an investigation. Those records become public records upon the conclusion of an investigation unless confidentiality is required by some other provision of law. For purposes of this section, an investigation is concluded when:

A. A notice of an adjudicatory hearing under Title 5, chapter 375, subchapter ~~IV~~ 4 has been issued;

C. A consent agreement has been executed; or

D. A letter of dismissal has been issued or the investigation has otherwise been closed.

Sec. 2. 10 MRSA §8003-B, sub-§2-A, as amended by PL 2001, c. 345, §1, is further amended to read:

2-A. Certain client records confidential. Notwithstanding subsections 1 and 2, a treatment record provided to a licensing board or commission or in connection with a regulatory function within or affiliated with the department during investigation of a person licensed by the department in a medical, mental health, substance abuse, psychological or health field that contains information personally identifying a licensee's client or patient is confidential during the pendency of the investigation and remains confidential upon the conclusion of the investigation. A treatment record may be disclosed only if:

A. The client or patient executes a written release that states that:

(1) Unless the release provides for more limited disclosure, execution of the release may result in the record becoming a public record; or

(2) If the client or patient wishes, execution of the release allows disclosure to only the person or persons clearly identified in the release. The release must require the person or persons identified in the release not to make a disclosure to another person;

B. The disclosure is necessary under Title 22, chapter 857 concerning personnel and licensure actions;

C. The disclosure is necessary under Title 22, section 3474 concerning reports of suspected adult abuse or exploitation;

D. The disclosure is necessary under Title 22, section 4011-A concerning reports of suspected child abuse or neglect; or

E. The disclosure is necessary under Title 22, section 7703 concerning reports of suspected child or adult abuse or neglect.

A release executed by a client or patient does not operate to disclose a record otherwise made confidential by law.

This subsection does not prevent disclosure of records pursuant to an order of a court of competent jurisdiction upon good cause shown.