

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 1, 2010 to June 29, 2011**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 28, 2011**

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

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**Augusta, Maine**  
**2011**

**§3138. Enforcement of administrative orders**

An administrative order of any agency or department requiring the payment of money to that agency or department is enforceable through the Superior Court under the following procedure. A certified copy of the administrative order must be filed with the court in the county in which the administrative order was issued. The administrative order must be accompanied by an affidavit from an authorized representative of the agency or department or from an assistant attorney general acting as counsel for the agency. The affidavit must state the facts showing that the agency or department provided notice of and opportunity for a hearing to contest the claim, that all applicable time periods for appeal have run and that the administrative order is final.

The court shall then render a pro forma decision in accordance with the administrative order of the agency, which has the same effect as if it were rendered in an action in which equitable relief is sought, duly heard and determined by the court. The decision may thereafter be enforced as a money judgment pursuant to this chapter and chapter 502-A.

See title page for effective date.

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**CHAPTER 182**

**H.P. 990 - L.D. 1349**

**An Act To Amend the Laws  
Governing the Handling of  
Medical Examiner Cases**

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

**Sec. 1. 22 MRSA §3028, sub-§6**, as amended by PL 2001, c. 291, §6, is further amended to read:

**6. Examination of body.** In all cases except those requiring a report on a body already disposed of and not to be exhumed for examination, the medical examiner or the person expressly authorized by the Chief Medical Examiner shall conduct a thorough examination of the body except in those cases when the body has already been disposed of and is not being exhumed or when the Chief Medical Examiner or Deputy Chief Medical Examiner determines, after review of available records and known circumstances, that the report of the death of the decedent may be certified and completed without examining the body.

See title page for effective date.

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**CHAPTER 183**

**S.P. 89 - L.D. 300**

**An Act To Increase the  
Availability of Lead Testing for  
Children**

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

**Sec. 1. 22 MRSA §1315, sub-§4-A**, as enacted by PL 1991, c. 810, §7, is repealed.

**Sec. 2. 22 MRSA §1319-A**, as amended by PL 2001, c. 683, §4 and affected by §10, is repealed.

**Sec. 3. 22 MRSA §1319-D** is enacted to read:

**§1319-D. Laboratory testing**

**1. Laboratories.** Except as provided in subsection 2, a blood sample taken from a child by a health care provider or laboratory to test for blood lead level must be sent to the Health and Environmental Testing Laboratory for analysis.

**2. Facilities approved by the department.** The department may approve the following facilities to test for blood lead level as long as the facility can perform in-office blood lead analyses for purposes of improving blood lead screening and the facility has demonstrated the ability to electronically submit all blood lead testing results and associated information to the department:

A. A Head Start facility; and

B. A health care provider, health care facility or clinic that dispenses benefits of the Women, Infants and Children Special Supplemental Food Program of the federal Child Nutrition Act of 1966.

**3. Rules.** The department shall adopt rules regarding blood lead testing conducted by:

A. The Health and Environmental Testing Laboratory;

B. Health care providers, health care facilities and clinics that dispense benefits of the Women, Infants and Children Special Supplemental Food Program of the federal Child Nutrition Act of 1966; and

C. Head Start facilities.

**4. Fees; dedicated account; uses.** Whenever possible when a blood lead test is performed by the Health and Environmental Testing Laboratory, the laboratory shall bill 3rd-party payors for services provided under this section and shall deposit all fees received into the Health and Environmental Testing Laboratory dedicated account. The Health and Environmental Testing Laboratory shall use the funds to:

A. Administer a child blood and environmental lead testing program that includes processing, analyzing and reporting child blood lead samples and materials that may contain lead; and

B. Gather data and report laboratory results.

See title page for effective date.

**CHAPTER 184**

**H.P. 574 - L.D. 767**

**An Act To Amend and Clarify  
Certain Portions of the Dental  
Practice Laws**

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

**Sec. 1. 32 MRSA §1062-A, sub-§1**, as amended by PL 2007, c. 620, Pt. C, §1, is further amended to read:

**1. Penalties.** A person who practices or falsely claims legal authority to practice dentistry, dental hygiene, independent practice dental hygiene, denturism or dental radiography in this State without first obtaining a license as required by this chapter, or after the license has expired, has been suspended or revoked or has been temporarily suspended or revoked, commits a Class E crime. Violation of this subsection is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

**Sec. 2. 32 MRSA §1074**, as amended by PL 2005, c. 45, §1, is further amended to read:

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

The board may affiliate with the American Association of Dental ~~Examiners~~ Boards 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~~ Boards or its successor. These delegates are entitled to receive compensation provided for in section 1071.

**Sec. 3. 32 MRSA §1081, sub-§1**, as amended by PL 1993, c. 600, Pt. A, §63, is further amended to read:

**1. Practicing dentistry.** A person is considered to be practicing dentistry when that person performs, or attempts or professes to perform, a dental operation or oral surgery or dental service of any kind, gratuitously or for a salary, fee, money or other remuneration paid, or to be paid, directly or indirectly to the person or to any other person or agency who is a proprietor of a place where dental operations, oral surgery or dental services are performed. A person who directly or indirectly, by any means or method, takes

impressions of a human tooth, teeth, jaws or performs a phase of an operation incident to the replacement of a part of a tooth; or supplies artificial substitutes for the natural teeth, or who furnishes, supplies, constructs, reproduces or repairs a prosthetic denture, bridge, appliance or any other structure to be worn in the human mouth, except on the written prescription of a duly licensed dentist; or who places dental appliances or structures in the human mouth, or adjusts or attempts or professes to adjust the same, or delivers the same to a person other than the dentist upon whose prescription the work was performed; or who professes to the public by any method to furnish, supply, construct, reproduce or repair a prosthetic denture, bridge, appliance or other structure to be worn in the human mouth, or who diagnoses or professes to diagnose, prescribes for or professes to prescribe for, treats or professes to treat, disease, pain, deformity, deficiency, injury or physical condition of the human teeth or jaws or adjacent structure, or who extracts or attempts to extract human teeth, or corrects or attempts to correct malformations of teeth or of the jaws is also considered to be practicing dentistry. A person who repairs or fills cavities in the human teeth; or who diagnoses, makes and adjusts appliances to artificial casts or malposed teeth for treatment of the malposed teeth in the human mouth, with or without instruction; or who uses an x-ray machine for the purpose of taking dental x rays, or who gives or professes to give interpretations or readings of dental x rays; or who administers an ~~anaesthetic~~ anesthetic of any nature in connection with a dental operation; or who uses the words dentist, dental surgeon, oral surgeon or the letters D.D.S., D.M.D. or any other words, letters, title or descriptive matter that in any way represents that person as being able to diagnose, treat, prescribe or operate for a disease, pain, deformity, deficiency, injury or physical condition of the teeth or jaws or adjacent structures; or who states, or professes or permits to be stated or professed by any means or method whatsoever that the person can perform or will attempt to perform dental operations or render a diagnosis connected with dental operations is also considered to be practicing dentistry.

**Sec. 4. 32 MRSA §1092, sub-§1**, as amended by PL 2007, c. 620, Pt. C, §§7 and 8, is further amended to read:

- 1. Unlawful practice.** A person may not:
- A. Practice dentistry without obtaining a license;
  - B. Practice dentistry under a false or assumed name;
  - C. Practice dentistry under the license of another person of the same name;