

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST SPECIAL SESSION
September 27, 2011

SECOND REGULAR SESSION
January 4, 2012 to May 31, 2012

THE EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
LAWS IS
SEPTEMBER 28, 2011

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 30, 2012

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

Augusta, Maine
2012

Sec. 4. Property to be leased only to a nonprofit organization for use as a museum. Resolved: That the commissioner may negotiate and execute leases upon terms the commissioner considers appropriate; however, the state property may be leased only to a nonprofit organization for use as a museum; and be it further

Sec. 5. Exemptions. Resolved: That any lease pursuant to this resolve is exempt from the provisions of the Maine Revised Statutes, Title 5, section 1783 and is exempt from any statutory or regulatory requirement that the property first be offered to another state or local agency or offered for lease through competitive bidding; and be it further

Sec. 6. Repeal. Resolved: That this resolve is repealed 2 years after its effective date.

See title page for effective date.

CHAPTER 153

S.P. 669 - L.D. 1891

Resolve, To Amend the Pilot Project for Independent Practice Dental Hygienists To Process Radiographs in Underserved Areas of the State

Sec. 1. Resolve 2011, c. 67, §1, first ¶, amended. Resolved: That Resolve 2011, c. 67, §1, first ¶ is amended to read:

Sec. 1. Pilot project for underserved areas of the State. Resolved: That the Department of Professional and Financial Regulation, Board of Dental Examiners shall establish a ~~2-year~~ pilot project to allow a licensed independent practice dental hygienist to expose and process radiographs under protocols developed by the Board of Dental Examiners within areas of the State that have been designated by the United States Department of Health and Human Services as dental health professional shortage areas.

; and be it further

Sec. 2. Resolve 2011, c. 67, §1, amended. Resolved: That Resolve 2011, c. 67, §1 is amended by adding after the 2nd paragraph the following:

The rules for the pilot project must allow an independent practice dental hygienist to expose and process all dental radiographs, including but not limited to:

1. Vertical and horizontal bitewing films;
2. Periapical films;
3. Panoramic images; and
4. Full-mouth series.

; and be it further

Sec. 3. Resolve 2011, c. 67, §1, last ¶, amended. Resolved: That Resolve 2011, c. 67, §1, last ¶ is amended to read:

The pilot project terminates March 15, ~~2014~~ 2015; and be it further

See title page for effective date.

CHAPTER 154

S.P. 532 - L.D. 1622

Resolve, Regarding the Laws Governing Electric Industry Restructuring

Sec. 1. Report. Resolved: That the Public Utilities Commission shall submit a report summarizing its findings and decision related to Docket No. 2011-170 pertaining to the request by the Bangor Hydroelectric Company for exemption and for reorganization approvals to the joint standing committee of the Legislature having jurisdiction over energy, utilities and technology matters by December 15, 2012.

See title page for effective date.

CHAPTER 155

H.P. 1336 - L.D. 1812

Resolve, Directing the Department of Health and Human Services To Submit an Application for a Waiver from the United States Department of Agriculture

Sec. 1. Department of Health and Human Services to seek federal waiver. Resolved: That the Department of Health and Human Services shall submit an application for a waiver from the requirements of federal law and regulations to the United States Department of Agriculture. The waiver must seek approval for the Department of Health and Human Services to amend its rules to require a person to show photographic identification in order to use an electronic benefits transfer card when it is requested in an establishment that accepts Supplemental Nutritional Assistance Program benefits. The Department of Health and Human Services shall submit the application for a waiver by October 1, 2012; and be it further

Sec. 2. Department of Health and Human Services to continue to develop strategies to combat fraud and abuse. Resolved: That the Department of Health and Human Services shall continue to develop strategies to combat fraud and abuse in the use of electronic benefits transfer cards to access

Supplemental Nutritional Assistance Program benefits. The Department of Health and Human Services shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters on its progress in developing new strategies to combat fraud and abuse in the Supplemental Nutritional Assistance Program by December 1, 2012.

See title page for effective date.

CHAPTER 156

H.P. 1220 - L.D. 1611

Resolve, To Create a License Plate To Recognize the 2014 World Acadian Congress

Sec. 1. World Acadian Congress plate.

Resolved: That, notwithstanding the Maine Revised Statutes, Title 29-A, section 454, the Secretary of State shall issue, at no cost to the Secretary of State, a reflectorized, commemorative, simulated registration plate in recognition and celebration of the 2014 World Acadian Congress, a festival of Acadian and Cajun culture and history, to be held in Maine in partnership with New Brunswick and Quebec, Canada. The Secretary of State shall design the plate in consultation with Comité organisateur du Congrès mondial acadien 2014, and the plate must bear the date of its expiration, which is December 31, 2015. The World Acadian Congress commemorative plate may be displayed by covering, but not removing, the front registration plate on a motor vehicle, except a truck tractor as defined in Title 29-A, section 101, subsection 90, including a motor vehicle registered outside this State and operated within it, until December 31, 2015; and be it further

Sec. 2. Administrative fee; distribution.

Resolved: That the Secretary of State shall develop a plan for the sale and distribution of World Acadian Congress commemorative plates. The fee for the World Acadian Congress commemorative plate is \$25, which must be deposited in a special fund and transferred quarterly by the Treasurer of State as follows:

1. Nine dollars per plate to the Secretary of State for the costs associated with production and issuance of the plates; and
2. Sixteen dollars per plate to the Maine Acadian Heritage Council; and be it further

Sec. 3. Other uses prohibited. Resolved:

That a World Acadian Congress commemorative plate may not be sold or displayed except as provided in this resolve; and be it further

Sec. 4. Appropriations and allocations.

Resolved: That the following appropriations and allocations are made.

SECRETARY OF STATE, DEPARTMENT OF Administration - Motor Vehicles 0077

Initiative: Provides funding for materials to manufacture special commemorative license plates celebrating the World Acadian Congress.

HIGHWAY FUND	2011-12	2012-13
All Other	\$0	\$6,963
HIGHWAY FUND TOTAL	\$0	\$6,963

See title page for effective date.

CHAPTER 157

H.P. 1404 - L.D. 1902

Resolve, Regarding Legislative Review of Chapter 30: Maine Uniform Accounting and Auditing Practices for Community Agencies, a Major Substantive Rule of the Department of Health and Human Services

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

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

Sec. 1. Adoption. Resolved: That final adoption of Chapter 30: Maine Uniform Accounting and Auditing Practices for Community Agencies, a provisionally adopted major substantive rule of the Department of Health and Human Services that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the rule is