

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 5, 2012 to July 10, 2013**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 9, 2013**

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

---

---

**Augusta, Maine**  
**2013**

Department of Agriculture, Conservation and Forestry that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

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

Effective May 29, 2013.

**CHAPTER 34**

**H.P. 231 - L.D. 322**

**Resolve, Regarding Legislative Review of Portions of Chapter 61: State Board of Education Rules for Major Capital School Construction Projects, a Major Substantive Rule of the State Board of Education**

**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 portions of Chapter 61: State Board of Education Rules for Major Capital School Construction Projects, a provisionally adopted major substantive rule of the State Board of Education 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 following changes are made:

1. The rule must be amended in Sections 1 and 6 to clarify that the role and responsibility of the State Board of Education is to provide design and funding approval and the role and responsibility of the Com-

missioner of Education is to provide final funding approval for school construction projects eligible for state funding; and

2. The rule must be amended in Sections 6, 10, 11 and 12 to clarify that:

A. The State Board of Education is responsible for issuing letters of approval for site approval, concept approval and design and funding approval if it approves the recommendations for each element of the approval process for school construction projects eligible for state funding; and

B. The Commissioner of Education is responsible for issuing a certificate of final funding approval once the contract bidding for the school construction project has been completed and the final project budget has been established by the Commissioner of Education or the commissioner's designee.

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

Effective June 3, 2013.

**CHAPTER 35**

**H.P. 667 - L.D. 954**

**Resolve, Extending the Time That the Commissioner of Administrative and Financial Services Has To Sell or Lease Property in Augusta**

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

**Whereas,** Resolve 2007, chapter 181 has a repeal date of June 30, 2013; and

**Whereas,** this resolve changes the repeal date of Resolve 2007, chapter 181 to June 30, 2018; and

**Whereas,** legislative action is immediately necessary to ensure the continuance of Resolve 2007, chapter 181; 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. Resolve 2007, c. 181, §9, amended. Resolved:** That Resolve 2007, c. 181, §9 is amended to read:

**Sec. 9. Repeal. Resolved:** That this resolve is repealed ~~5 years after its effective date~~ June 30, 2018.

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

Effective June 3, 2013.

---

---

**CHAPTER 36**  
**S.P. 85 - L.D. 249**

**Resolve, Directing the Board of Dental Examiners To Amend Its Rules To Improve Access to Oral Health Care in Maine**

**Sec. 1. Board of Dental Examiners to amend rules. Resolved:** That the Board of Dental Examiners shall amend its rules to permit a dental student of a bona fide dental school or university acceptable to the board, after the completion of satisfactory training, to perform limited dental service in institutional and public health service programs and in private dental offices within the State, commensurate with the student's level of training, under the supervision and control of a licensed dentist or a teaching school; and be it further

**Sec. 2. Report. Resolved:** That the Board of Dental Examiners shall submit a report by January 15, 2014 to the Joint Standing Committee on Labor, Commerce, Research and Economic Development on how the dental services performed by dental students under section 1 will increase access to dental care in the underserved areas of the State, the number of private dental offices that will be participating and how patients will be screened for treatment by dental students in private dental offices. The Joint Standing Committee on Labor, Commerce, Research and Economic Development is authorized to submit a bill related to this report to the Second Regular Session of the 126th Legislature.

See title page for effective date.

---

---

**CHAPTER 37**  
**H.P. 560 - L.D. 809**

**Resolve, Directing the Secretary of State To Study the Need for a State Regulatory Process for Scrap Metal Dealers**

**Sec. 1. Secretary of State directed to study the need for a state regulatory process for scrap metal dealers. Resolved:** That the Secre-

tary of State shall study the need for state regulation of scrap metal dealers and review the advantages and disadvantages of pursuing a state license, permit or registration process for scrap metal dealers. The Secretary of State shall invite participation from stakeholders in the scrap metal industry and law enforcement and other interested parties in order to identify the most effective system for statewide regulation and the enforcement of laws relating to scrap metal dealers and scrap metal thefts; and be it further

**Sec. 2. Report. Resolved:** That the Secretary of State shall submit a report on the study described in section 1 and any recommended legislation to the Joint Standing Committee on Labor, Commerce, Research and Economic Development by January 30, 2014. The committee is authorized to submit a bill to the Second Regular Session of the 126th Legislature related to the subject matter of the report.

See title page for effective date.

---

---

**CHAPTER 38**  
**H.P. 138 - L.D. 178**

**Resolve, To Provide Consistency in Rules of the Department of Education Regarding Visual and Performing Arts Requirements for High School Graduation**

**Sec. 1. Rules. Resolved:** That the Department of Education shall amend its rules to provide that high school graduation requirements in the area of visual and performing arts may be met by completion of a credit in dance, music, theater, forensics or visual arts. The department shall determine the extent to which high school graduation requirements in the area of visual and performing arts may be met by the study of forensics, which may include, but is not limited to, the separate or integrated study of the art of public speaking, the art of formal debate and the interpretive performance of literature as they relate to the area of visual and performing arts.

See title page for effective date.

---

---

**CHAPTER 39**  
**H.P. 599 - L.D. 848**

**Resolve, Directing the Bureau of Insurance To Amend Its Rules Pertaining to 3rd-party Notice of Cancellation**