

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2014 to July 16, 2015

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Augusta, Maine
2015

or training, which may be subject to review by the superintendent. The training material must, at a minimum, contain instructions on the types of insurance offered, ethical sales practices and required brochures or other written materials provided to prospective customers.

§7055. Prohibited acts

An employee or representative of a travel retailer who is not licensed as an insurance producer may not:

1. Technical terms. Evaluate or interpret the technical terms, benefits and conditions of the offered travel insurance coverage;

2. Advice. Evaluate or provide advice concerning a prospective purchaser's existing insurance coverage; or

3. Purport to be licensed. Purport to be a licensed insurer, licensed producer or insurance expert or represent that the travel retailer is so licensed or has insurance expertise.

§7056. Policy; responsibilities; enforcement

1. Policy. Travel insurance may be provided under an individual policy or under a group or master policy.

2. Responsibility. A supervising travel insurance producer is responsible for the acts of a travel retailer offering and disseminating travel insurance under the supervising travel insurance producer's authority and shall use reasonable means to ensure compliance by the travel retailer with this chapter.

3. Enforcement. A supervising travel insurance producer and any travel retailer offering and disseminating travel insurance are subject to chapters 16 and 23.

See title page for effective date.

CHAPTER 134

S.P. 372 - L.D. 1046

An Act To Penalize Legislators for Excessive Absences

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

Sec. 1. 3 MRSA §2, as corrected by RR 2013, c. 2, §3, is amended by adding after the 2nd paragraph a new paragraph to read:

A member of the Senate or House of Representatives may not be absent without leave for more than 5 legislative days in the first regular session or for more than 3 legislative days in the second regular session. A member who violates this paragraph must have the member's salary reduced by an amount as determined

by the Legislative Council for each legislative day of absence without leave. At the beginning of each Legislature, the Legislative Council shall establish policies and procedures to record attendance for each legislative day and set the salary reduction for members who violate this paragraph.

See title page for effective date.

CHAPTER 135

H.P. 794 - L.D. 1156

An Act Regarding the Board of Dental Examiners

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 2011, chapter 581 established dental adjudicatory panels, which had sole authority to hold an adjudicatory hearing regarding disciplinary actions for a person licensed by the Board of Dental Examiners; and

Whereas, the law establishing the dental adjudicatory panels was repealed September 15, 2014, leaving the Board of Dental Examiners without authority to hold adjudicatory hearings on disciplinary actions; and

Whereas, it is in the best interest of the public that there be a process in place to ensure that the public is served by competent and honest practitioners in the field of dentistry; and

Whereas, this legislation needs to take effect as soon as possible to restore the authority of the Board of Dental Examiners to adjudicate disciplinary actions; 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. 32 MRSA §1077, sub-§1, as amended by PL 2011, c. 581, §1, is further amended to read:

1. Disciplinary proceedings and sanctions. Regarding noncompliance with or violation of this chapter or of rules adopted by the board, the board shall investigate a complaint on its own motion or upon receipt of a written complaint filed with the board.

The board shall notify the licensee of the content of a complaint filed against the licensee as soon as possi-

ble, but no later than 60 days from receipt of this information. The licensee shall respond within 30 days. If the licensee's response to the complaint satisfies the board that the complaint does not merit further investigation or action, the matter may be dismissed, with notice of the dismissal to the complainant, if any.

If, in the opinion of the board, the factual basis of the complaint is or may be true, and the complaint is of sufficient gravity to warrant further action, the board may request an informal conference with the licensee. The board shall provide the licensee with adequate notice of the conference and of the issues to be discussed. The conference must be conducted in executive session of the board, pursuant to Title 1, section 405, unless otherwise requested by the licensee. Statements made at the conference may not be introduced at a subsequent formal hearing unless all parties consent.

If the board finds that the factual basis of the complaint is true and is of sufficient gravity to warrant further action, it may take any of the following actions it considers appropriate:

A. With the consent of the licensee, enter into a consent agreement that takes any action authorized by Title 10, section 8003, subsection 5 or Title 10, section 8003-D. A consent agreement may be used to terminate a complaint investigation, if entered into by the board, the licensee and the Attorney General's office;

B. In consideration for acceptance of a voluntary surrender of the license, if a consent agreement is signed by the board, the licensee and the Attorney General's office, negotiate stipulations, including terms and conditions for reinstatement, that ensure protection of the public health and safety and that serve to rehabilitate or educate the licensee;

C. If the board concludes that denial of initial licensure or, modification or nonrenewal of an existing a license is in order warranted, the board may refer the complaint to a dental adjudicatory panel, convened pursuant to section 1080, for the purpose of holding hold an adjudicatory hearing in accordance with the provisions of the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter 4 and may take any action authorized by subsection 2 or Title 10, section 8003, subsection 5; or

D. If the board concludes that suspension or revocation of the license is in order, the board may file a complaint in the District Court in accordance with Title 4, chapter 5.

~~Notwithstanding any other provision of law, a dental adjudicatory panel convened pursuant to section 1080 has the sole authority to hold an adjudicatory hearing conforming to the requirements of Title 5, chapter 375, subchapter 4 and take any action authorized by Title~~

~~10, section 8003, subsection 5 or Title 10, section 8003-D following an adjudicatory hearing.~~

Notwithstanding Title 10, section 8003, subsection 5, any nonconsensual revocation of a license by a dental adjudicatory panel pursuant to Title 10, section 8003, subsection 5 may be imposed only after a hearing conforming to the requirements of Title 5, section 375, subchapter 4 and is subject to judicial review exclusively in the Superior Court in accordance with Title 5, chapter 375, subchapter 7. ~~The board retains the authority to take any other action pursuant to this section and Title 10, section 8003 regarding the disposition of any complaint that does not involve an adjudicatory hearing.~~

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

Effective June 2, 2015.

CHAPTER 136

H.P. 114 - L.D. 156

An Act To Eliminate the Minimum Age Requirement for a Junior Hunting License and Increase the Number of Times a Person May Hold an Apprentice Hunter License

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

Sec. 1. 12 MRSA §10853, sub-§8, as amended by PL 2013, c. 136, §1, is further amended to read:

8. Members of federally recognized nation, band or tribe. The commissioner shall issue a hunting, trapping and fishing license, including an archery hunting license under this chapter, and including permits, stamps and other permission needed to hunt, trap and fish, to a person, 10 years of age or older, who is an enrolled member of the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians or the Aroostook Band of Micmacs that is valid for the life of that person without any charge or fee pursuant to section 11109, if the person presents certification from the respective reservation governor or the Aroostook Micmac Council stating that the person described is an enrolled member of a federally recognized nation, band or tribe listed in this subsection. Holders of these licenses are subject to this Part, including, but not limited to, a lottery or drawing system for issuing a particular license or permit. Members of a federally recognized nation, band or tribe listed in this subsection are exempt from the trapper evaluation program required for a license under section 12201