

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

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 15, 2015

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

Augusta, Maine
2015

Sec. 4. 25 MRSA §2929, sub-§4, ¶C-1 is enacted to read:

C-1. To a person accused of a crime or that person's agent or attorney for trial and sentencing purposes if authorized by:

(1) The responsible prosecutorial office or prosecutor; or

(2) A rule or order of a court of competent jurisdiction.

As used in this paragraph, "agent" means a licensed professional investigator or an expert witness, or a parent, foster parent or guardian if the accused person has not attained 18 years of age; and

See title page for effective date.

CHAPTER 154

H.P. 181 - L.D. 263

An Act To Provide a Minor with a Defense to Prosecution in a Situation That Involves Risk of Alcohol Overdose

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

Sec. 1. 28-A MRSA §2051, sub-§6 is enacted to read:

6. Defense. It is a defense to prosecution under subsection 1 if in a situation that involved risk to the minor or to another person of overdose from the consumption of alcohol, including but not limited to extreme physical illness, decreased level of consciousness, respiratory depression, coma, mania or death from the consumption of alcohol:

A. The minor in good faith sought medical or emergency treatment or assistance for the minor or the other person; or

B. The minor was the person for whom medical or emergency treatment or assistance was sought and the evidence of the violation of this section is obtained as a result of a person contacting emergency medical services or law enforcement.

This subsection does not provide a defense to a charge of operating a motor vehicle while under the influence of alcohol.

Sec. 2. 28-A MRSA §2087, sub-§3 is enacted to read:

3. Defense. It is a defense to prosecution under subsection 1 if in a situation that involved risk to the minor or to another person of overdose from the consumption of alcohol, including but not limited to ex-

treme physical illness, decreased level of consciousness, respiratory depression, coma, mania or death from the consumption of alcohol:

A. The minor in good faith sought medical or emergency treatment or assistance for the minor or the other person; or

B. The minor was the person for whom medical or emergency treatment or assistance was sought and the evidence of the violation of this section is obtained as a result of a person contacting emergency medical services or law enforcement.

This subsection does not provide a defense to a charge of operating a motor vehicle while under the influence of alcohol.

See title page for effective date.

CHAPTER 155

H.P. 327 - L.D. 488

An Act To Expand the Scope of Practice for Denturists

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

Sec. 1. 32 MRSA §1081, sub-§2, ¶E, as amended by PL 2007, c. 620, Pt. C, §2, is further amended to read:

E. The filling of prescriptions of a licensed dentist by any person, association, corporation or other entity for the construction, reproduction or repair of prosthetic dentures, bridges, plates or appliances to be used or worn as substitutes for natural teeth, ~~provided that~~ as long as this person, association, corporation or other entity does not solicit nor advertise, directly or indirectly, by mail, card, newspaper, pamphlet, radio or otherwise, to the general public to construct, reproduce or repair prosthetic dentures, bridges, plates or other appliances to be used or worn as substitutes for natural teeth; and

Sec. 2. 32 MRSA §1081, sub-§2, ¶G, as amended by PL 2007, c. 620, Pt. C, §3, is further amended to read:

G. The taking of impressions by dental hygienists, independent practice dental hygienists or dental assistants for study purposes only; ~~and~~

Sec. 3. 32 MRSA §1081, sub-§2, ¶H, as enacted by PL 2007, c. 620, Pt. C, §4, is repealed.

Sec. 4. 32 MRSA §1081, sub-§7 is enacted to read:

7. Exceptions. Practice by an independent practice dental hygienist licensed pursuant to subchapter

3-B or by a dentist licensed pursuant to subchapter 6 is not a violation of this subchapter.

Sec. 5. 32 MRSA §1100-B, sub-§3, ¶B, as amended by PL 2013, c. 83, §1, is further amended to read:

B. The fitting of a denture to an edentulous or partially edentulous arch or arches, including the making, producing, reproducing, constructing, finishing, supplying, altering and repairing of dentures, without performing alteration to natural or reconstructed tooth structure. A dentist may perform clinical procedures related to the fabrication of a removable tooth-borne partial denture, including cast frameworks; ~~and~~

Sec. 6. 32 MRSA §1100-B, sub-§3, ¶C, as amended by PL 1993, c. 600, Pt. A, §88, is further amended to read:

C. The procedures incidental to the procedures specified in paragraphs A and B, as defined by the board; and

Sec. 7. 32 MRSA §1100-B, sub-§3, ¶D is enacted to read:

D. The making, placing, constructing, altering, reproducing or repairing of nonorthodontic removable sports mouth guards and the provision of teeth whitening services, including fabricating whitening trays, providing whitening solutions determined to be safe for public use and providing any required follow-up care and instructions for use of the trays and solutions at home.

See title page for effective date.

**CHAPTER 156
H.P. 476 - L.D. 700**

**An Act Regarding the Industry
Partnership Assistance
Collaborative's Grant Program**

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

Sec. 1. 26 MRSA §3305, sub-§2, ¶D, as enacted by PL 2013, c. 368, Pt. FFFFF, §1, is amended to read:

D. A procedure for establishing eligibility requirements. At a minimum, ~~the process to establish~~ this procedure must include the following:

- (1) Involvement of the local workforce investment board;
- (2) Participation of at least 4 employers, with at least 2 employers representing businesses with fewer than 50 employees;

(3) Participation of employees and, where applicable, labor representatives;

(4) Private sector matching funding of at least ~~50%~~ 25%, except that businesses with fewer than 25 employees may be exempted from this matching funding requirement at the discretion of the collaborative; and

(5) Commitment to participate in the performance improvement and evaluation system established pursuant to section 3307.

See title page for effective date.

**CHAPTER 157
H.P. 529 - L.D. 776**

**An Act To Update the
Validation of Miscellaneous
Defects and Defective
Acknowledgments in the
Conveyance of Real Estate**

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

Sec. 1. 33 MRSA §352, first ¶, as amended by PL 2001, c. 275, Pt. B, §1, is further amended to read:

A record of a deed or other instrument, including a power of attorney, made prior to January 1, ~~2000~~ 2013 for the conveyance of real property, or of any interest in the property, and recorded in the registry of deeds of the county in which the real property is located is valid and enforceable even if:

Sec. 2. 33 MRSA §353-A, as amended by PL 2001, c. 275, Pt. B, §2, is further amended to read:

§353-A. Miscellaneous defects

1. Omission of consideration; failure to seal. A deed or other instrument, including a power of attorney, made prior to January 1, ~~2000~~ 2013 for the conveyance of real property, or any interest in real property, in this State and otherwise valid, except that the deed or instrument does not state any consideration for the real property or was not sealed by the grantors, is valid.

2. Discharge or assignment of mortgage. A duly recorded satisfaction piece or instrument made prior to January 1, ~~2000~~ 2013 with the intent to cancel and discharge or assign a mortgage of real estate, fully identifying the mortgage intended to be canceled and discharged or assigned, but not drawn in accordance with statutory requirements is considered valid.

3. Corporations organized or attempted to be organized; validation of deeds and other instruments. A corporation organized or attempted to be