

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

benefits of the authorized treatment continue to outweigh the risks and side effects.

C. For purposes of a request for early termination of an authorization under this subsection, the patient may name as the patient's designated representative a lay advisor provided by the hospital, a lawyer provided by the patient at the patient's own expense or another representative who is selected by the patient and who is willing and able to assist in the proceeding. If the hearing officer determines that a hearing is warranted, the patient must be provided counsel at the department's expense at least 7 days prior to the hearing.

D. If, following a hearing under this subsection, the hearing officer determines by clear and convincing evidence that the benefits of authorized treatment no longer outweigh the risks and side effects, the hearing officer must recommend termination of the authorization to the commissioner. The decision whether to terminate the authorization of involuntary treatment rests with the commissioner, who shall act within 48 hours upon the hearing officer's recommendation.

9. Final agency action. An order issued by the commissioner under subsection 3, paragraph J, subsection 7, paragraph B or subsection 8, paragraph D is a final agency action.

10. Rules. The department may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as described in Title 5, chapter 375, subchapter 2-A.

§108. Court-ordered independent examinations

Before making a determination under section 106 or 107, a court may order an independent psychiatric or medical examination of the patient. The Department of Health and Human Services, within 30 days after receiving a request from the Administrative Office of the Courts, shall reimburse the Judicial Department for the full amount of fees paid by the Judicial Department to providers of psychiatric and medical examinations of forensic patients ordered by the court.

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

Effective July 7, 2015.

CHAPTER 326

H.P. 74 - L.D. 91

An Act To Allow Dental Hygienists To Prescribe Fluoride Dentifrice and Antibacterial Rinse

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

Sec. 1. 32 MRSA §1094-Q, sub-§1, ¶O, as amended by PL 2015, c. 2, §1, is further amended to read:

O. Apply topical antimicrobials, excluding antibiotics, including fluoride, for the purposes of bacterial reduction, caries control and desensitization in the oral cavity. The independent practice dental hygienist shall follow current manufacturer's instructions in the use of these medications; ~~and~~

Sec. 2. 32 MRSA §1094-Q, sub-§1, ¶P, as enacted by PL 2015, c. 2, §2, is amended to read:

P. Expose and process radiographs, including but not limited to vertical and horizontal bitewing films, periapical films, panoramic images and full-mouth series, under protocols developed by the board as long as the independent practice dental hygienist has a written agreement with a licensed dentist providing that the dentist will be available to interpret all dental radiographs within 21 days from the date the radiograph is taken and that the dentist will sign a radiographic review and findings form-;

Sec. 3. 32 MRSA §1094-Q, sub-§1, ¶¶Q and R are enacted to read:

Q. Prescribe, dispense or administer anticavity toothpastes or topical gels with 1.1% or less sodium fluoride and oral rinses with 0.05%, 0.2%, 0.44% or 0.5% sodium fluoride; and

R. Prescribe, dispense or administer chlorhexidine gluconate oral rinse.

Sec. 4. 32 MRSA §1094-HH, sub-§§8 and 9, as enacted by PL 2013, c. 575, §7, are amended to read:

8. Radiographs. Administer radiographs; ~~and~~

9. Other related services and functions. Perform other related services and functions authorized by the supervising dentist and for which the dental hygiene therapist is trained-;

Sec. 5. 32 MRSA §1094-HH, sub-§§10 and 11 are enacted to read:

10. Dentifrice; oral rinse. Prescribe, dispense or administer anticavity toothpastes or topical gels with 1.1% or less sodium fluoride and oral rinses with 0.05%, 0.2%, 0.44% or 0.5% sodium fluoride; and

11. Chlorhexidine gluconate. Prescribe, dispense or administer chlorhexidine gluconate oral rinse.

Sec. 6. 32 MRSA §1098-E, as enacted by PL 2005, c. 198, §1, is amended to read:

§1098-E. Temporary filling procedures; prescription authority

A dental hygienist with public health supervision status, as defined by rules adopted by the Board of Dental Examiners, may perform temporary filling procedures without a dentist present under protocols developed by the Board of Dental Examiners. A dental hygienist with public health supervision status may prescribe, dispense or administer anticavity toothpastes or topical gels with 1.1% or less sodium fluoride and oral rinses with 0.05%, 0.2%, 0.44% or 0.5% sodium fluoride, as well as chlorhexidine gluconate oral rinse. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 7. 32 MRSA §1098-F is enacted to read:

§1098-F. Prescription authority

A dental hygienist licensed under this subchapter may prescribe, dispense or administer anticavity toothpastes or topical gels with 1.1% or less sodium fluoride and oral rinses with 0.05%, 0.2%, 0.44% or 0.5% sodium fluoride, as well as chlorhexidine gluconate oral rinse.

Sec. 8. Appropriations and allocations. The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,
DEPARTMENT OF (FORMERLY DHS)**

Office of MaineCare Services 0129

Initiative: Provides funding for a change to the point-of-sale application that pays for prescriptions at a pharmacy and oversight of vendor change management.

GENERAL FUND	2015-16	2016-17
All Other	\$6,750	\$0
GENERAL FUND TOTAL	\$6,750	\$0
FEDERAL EXPENDITURES FUND	2015-16	2016-17
All Other	\$20,250	\$0

FEDERAL EXPENDITURES	\$20,250	\$0
FUND TOTAL		

See title page for effective date.

CHAPTER 327

S.P. 245 - L.D. 652

An Act To Authorize the Carrying of Concealed Handguns without a Permit

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

Sec. 1. 12 MRSA §11212, sub-§1, ¶B, as amended by PL 2005, c. 477, §9, is further amended to read:

B. A person may not, while in or on a motor vehicle or in or on a trailer or other type of vehicle being hauled by a motor vehicle, have a cocked and armed crossbow or a firearm with a cartridge or shell in the chamber or in an attached magazine, clip or cylinder or a muzzle-loading firearm charged with powder, lead and a primed ignition device or mechanism, except that a person who ~~has a valid Maine permit to carry a concealed weapon~~ is 21 years of age or older and is not otherwise prohibited from possessing a firearm or is 18 years of age or older and under 21 years of age and is on active duty in the Armed Forces of the United States or the National Guard or is an honorably discharged veteran of the Armed Forces of the United States or the National Guard and is not otherwise prohibited from carrying a firearm may have in or on a motor vehicle or trailer or other type of vehicle a loaded pistol or revolver ~~covered by that permit.~~

Sec. 2. 25 MRSA §2001-A, sub-§2, ¶A-1 is enacted to read:

A-1. A handgun carried by a person who is 21 years of age or older and is not otherwise prohibited from carrying a firearm or is 18 years of age or older and under 21 years of age and is on active duty in the Armed Forces of the United States or the National Guard or is an honorably discharged veteran of the Armed Forces of the United States or the National Guard and is not otherwise prohibited from carrying a firearm;

Sec. 3. 25 MRSA §2001-A, sub-§3 is enacted to read:

3. Firearm safety brochure. Upon purchase of a handgun, a person exempt under subsection 2, paragraph A-1 shall sign in the presence of the firearm