

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. 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

dealer an acknowledgment that the person was provided a basic firearm safety brochure in accordance with section 2012, subsection 2, paragraph A. The purchaser shall retain the acknowledgment. The Department of Public Safety shall post on the department's publicly accessible website a basic firearm safety brochure, an acknowledgment form and a list of safety programs certified by a national nonprofit membership organization that provides a volunteer safety program, including the training of people in the safe handling and use of handguns.

Sec. 4. 25 MRSA §2003-A is enacted to read:
§2003-A. Duty to inform law enforcement

When an individual who is carrying a concealed handgun pursuant to the authority of this chapter and who does not have a valid permit to carry a concealed handgun that has been issued as provided in this chapter first comes into contact with any law enforcement officer of this State or its political subdivisions or a federal law enforcement officer during the course of any arrest, detainment or routine traffic stop, that individual shall immediately inform that law enforcement officer of the fact that the individual is carrying a concealed handgun.

Sec. 5. 25 MRSA §2004, sub-§5 is enacted to read:

5. Failure to inform law enforcement. A person who fails to comply with section 2003-A commits a civil violation for which a fine of not more than \$100 may be adjudged.

Sec. 6. 25 MRSA §2012, sub-§1, ¶A, as enacted by PL 1991, c. 127, is amended to read:

A. "Basic firearm safety brochure" means a brochure, produced by a national, nonprofit membership organization that provides a comprehensive voluntary safety program including the training of people in the safe handling and use of firearms or by any other organization, that contains the following information relating to firearms:

- (1) Rules for safe handling, storage and use of firearms;
- (2) Nomenclature and descriptions of various types of firearms; ~~and~~
- (3) Responsibilities of firearm ownership; and
- (4) The following information developed by the Department of Public Safety:
 - (a) A list of locations where handguns are prohibited; and
 - (b) Information concerning the use of handguns for self-defense.

Sec. 7. Appropriations and allocations. The following appropriations and allocations are made.

**PUBLIC SAFETY, DEPARTMENT OF
 Licensing and Enforcement - Public Safety 0712**

Initiative: Eliminates 2 Office Associate II positions, one State Police Detective position and related costs as a result of allowing certain people to carry a concealed handgun without a permit.

OTHER SPECIAL REVENUE FUNDS	2015-16	2016-17
POSITIONS - LEGISLATIVE COUNCIL	(3,000)	(3,000)
Personal Services	(\$189,000)	(\$259,560)
All Other	(\$13,451)	(\$17,935)
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OTHER SPECIAL	(\$202,451)	(\$277,495)
REVENUE FUNDS TOTAL		

See title page for effective date.

**CHAPTER 328
 S.P. 554 - L.D. 1452**

**An Act To Make Technical
 Changes to Recently Enacted
 Legislation**

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

Sec. 1. 20-A MRSA §12545, as enacted by PL 2011, c. 665, §5, is amended to read:

§12545. Report

By February 1, 2021, each accredited Maine community college, college and university, as defined in section 12541, subsection 1, shall report to the department on efforts to promote ~~and enroll individuals in~~ the program and to train admissions and financial aid staff about the program. By March 1, 2021, the department shall report findings and recommendations regarding the program to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs and the joint standing committee of the Legislature having jurisdiction over taxation matters. By March 1, 2021, the Department of Administrative and Financial Services, Bureau of Revenue Services, Office of Tax Policy shall report on implementation of the educational opportunity tax credit, including statistics on credits claimed, to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs and the joint standing committee of the Legislature having jurisdiction