

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

FIRST SPECIAL SESSION
October 23, 2017 to November 6, 2017

SECOND REGULAR SESSION
January 3, 2018 to May 2, 2018

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 5, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 1, 2018

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

Augusta, Maine
2018

C. The anticipated date of the defendant's release from institutional confinement and any date on which the defendant must return to institutional confinement, if applicable;

D. The geographic area to which the defendant's release is limited, if any;

E. The address at which the defendant will reside; and

F. The address at which the defendant will work, if applicable.

3-A. If the defendant has escaped, the notice required by this section must contain the name of the defendant, the manner of the escape, the place from which the defendant escaped and the date of the escape.

4. The notice requirement under this section ends when:

A. Notice has been provided of an unconditional release or discharge upon the expiration of the sentence or upon release under Title 15, section 101-D or upon discharge under Title 15, section 104-A; or

B. The victim has filed a written request with the Department of Corrections, the state mental health institute or the county jail to which the defendant is committed asking that no further notice be given.

5. Neither the failure to perform the requirements of this chapter nor compliance with this chapter subjects the attorney for the State, the Commissioner of Corrections, the Department of Corrections, the Commissioner of Health and Human Services, the ~~state mental health institute~~ institution for the care and treatment of persons with mental illness to which the defendant is committed by the Commissioner of Health and Human Services or the residential program that provides care and treatment for persons who have intellectual disabilities or autism to which the defendant is committed by the Commissioner of Health and Human Services or the county jail or the employees or officers of the attorney for the State, the Commissioner of Corrections, the Department of Corrections, the Commissioner of Health and Human Services, the ~~state mental health institute~~ institution for the care and treatment of persons with mental illness to which the defendant is committed by the Commissioner of Health and Human Services or the residential program that provides care and treatment for persons who have intellectual disabilities or autism to which the defendant is committed by the Commissioner of Health and Human Services or the county jail to liability in a civil action.

See title page for effective date.

**CHAPTER 387
H.P. 1223 - L.D. 1774**

An Act To Reduce Child Poverty by Leveraging Investments in Families for Tomorrow

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

Sec. 1. 22 MRSA c. 1054-C is enacted to read:

CHAPTER 1054-C

HIGHER OPPORTUNITY FOR PATHWAYS TO EMPLOYMENT PROGRAM

§3790-A. Higher Opportunity for Pathways to Employment Program

1. Program established. The department shall establish a student financial aid program based on need to be known as the Higher Opportunity for Pathways to Employment Program, referred to in this chapter as "the program," for a parent or caretaker relative of a minor child who is qualified to receive federal Temporary Assistance for Needy Families funds but does not receive Temporary Assistance for Needy Families cash assistance pursuant to chapter 1053-B and is matriculating in an education or training program, or is enrolled in a program providing remedial services necessary for the parent or caretaker relative to matriculate, that results in a high-value, industry-recognized certificate or similar credential, a postsecondary undergraduate 2-year degree or a postsecondary undergraduate 4-year degree in a health care, technology or engineering field. The department shall specify the health care, technology and engineering fields for the postsecondary undergraduate 4-year degree in department rules.

Enrollment in the program may not exceed 500 participants. To administer the program, the department may not divert funding from assistance and support services to families under the Temporary Assistance for Needy Families program pursuant to chapter 1053-B or from the operation of the Additional Support for People in Retraining and Employment - Temporary Assistance for Needy Families program pursuant to chapter 1054-A. If the commissioner reasonably anticipates that available funds will not support continued operation of the program, the commissioner shall limit or suspend enrollment or program services to the extent necessary to avoid negative effects to services provided under chapters 1053-B and 1054-A.

The program must be supported with funds provided under the Temporary Assistance for Needy Families block grant that are available under Title IV-A of the United States Social Security Act or funds transferred from that block grant to the social services block grant

authorized under Title XX of the United States Social Security Act or the child care and development block grant authorized under the federal Child Care and Development Block Grant Act of 1990 and Section 418 of the United States Social Security Act. The department may not expend federal Temporary Assistance for Needy Families funds for services that meet the definition of "assistance" under regulations promulgated pursuant to the United States Social Security Act. To the extent allowable under federal law and subject to federal approval procedures associated with such funds, the program may also be supported with other federal funds, including, but not limited to, employment and training funds from the Supplemental Nutrition Assistance Program.

2. Eligibility criteria. To the extent that enrollment limits under subsection 1 permit, enrollment or continued participation in the program must be granted if the applicant or participant:

A. Does not already have a marketable bachelor's degree;

B. Has the aptitude to successfully complete the proposed education or training program;

C. Is pursuing a postsecondary undergraduate degree, industry-recognized certificate or similar credential in a field or occupation that has at least an average job outlook as identified by the Center for Workforce Research and Information within the Department of Labor. For fields or occupations for which the job outlook is lower than average, the commissioner or the commissioner's designee must approve the applicant's or participant's education plan. If the applicant or participant is pursuing a postsecondary undergraduate 4-year degree, it must be in a health care, technology or engineering field as specified in department rules;

D. Is making satisfactory progress in the education or training program;

E. Has income that is equal to or below 185% of the nonfarm income official poverty line for a family of the size involved as defined by the federal Office of Management and Budget and revised annually in accordance with the United States Omnibus Budget Reconciliation Act of 1981, Section 673, Subsection 2; and

F. Has countable assets as described in department rules in the Temporary Assistance for Needy Families program pursuant to chapter 1053-B that are equal to or below \$10,000.

3. Program assistance. A program participant must be provided with a package of student aid that includes all support services necessary for participation in the program that are at least equivalent to those provided under chapter 1054-A.

4. Campus-based student support and navigation. The department shall provide annually up to \$1,000,000 in Temporary Assistance for Needy Families funds described in subsection 1 to educational institutions to establish or supplement personalized professional guidance, support and navigation services provided directly to program participants to promote program completion and student success.

5. Protection from loss of income. To the extent permitted by federal law, aid received under this section must be disregarded as income and excluded as a resource or asset for the purposes of any state, federal, tribal or municipal assistance program.

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

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,
DEPARTMENT OF**

Temporary Assistance for Needy Families 0138

Initiative: Provides an allocation for campus-based student support and navigation services in the Higher Opportunity for Pathways to Employment Program.

FEDERAL BLOCK GRANT FUND	2017-18	2018-19
All Other	\$0	\$420,000
FEDERAL BLOCK GRANT FUND TOTAL	\$0	\$420,000

Temporary Assistance for Needy Families 0138

Initiative: Provides allocations for the Higher Opportunity for Pathways to Employment Program available to persons with minor children who do not receive cash assistance under the Temporary Assistance for Needy Families program, who have incomes at or below 185% of the federal poverty level and who are pursuing a postsecondary degree, industry-recognized certificate or similar credential.

FEDERAL BLOCK GRANT FUND	2017-18	2018-19
All Other	\$0	\$1,461,136
FEDERAL BLOCK GRANT FUND TOTAL	\$0	\$1,461,136

Temporary Assistance for Needy Families 0138

Initiative: Provides an allocation for one Family Independence Program Manager for the Higher Opportunity for Pathways to Employment Program.

FEDERAL BLOCK GRANT FUND	2017-18	2018-19
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$98,635
All Other	\$0	\$6,286
FEDERAL BLOCK GRANT FUND TOTAL	\$0	\$104,921

Temporary Assistance for Needy Families 0138

Initiative: Provides allocations for 2 Senior Planner positions for the Higher Opportunity for Pathways to Employment Program.

FEDERAL BLOCK GRANT FUND	2017-18	2018-19
POSITIONS - LEGISLATIVE COUNT	0.000	2.000
Personal Services	\$0	\$167,953
All Other	\$0	\$12,572
FEDERAL BLOCK GRANT FUND TOTAL	\$0	\$180,525

HEALTH AND HUMAN SERVICES, DEPARTMENT OF

DEPARTMENT TOTALS	2017-18	2018-19
FEDERAL BLOCK GRANT FUND	\$0	\$2,166,582
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$2,166,582

See title page for effective date.

CHAPTER 388

H.P. 1267 - L.D. 1825

An Act To Implement the Recommendations of the Board of Dental Practice

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

Sec. 1. 32 MRSA §18302, sub-§§2 and 3, as enacted by PL 2015, c. 429, §21, are repealed.

Sec. 2. 32 MRSA §18302, sub-§11, as enacted by PL 2015, c. 429, §21, is amended to read:

11. Dental radiography. "Dental radiography" means the use of ionizing radiation on the maxilla, mandible and adjacent structures of human beings for diagnostic purposes while under the general supervision of a dentist or an independent practice dental hygienist in accordance with this chapter.

Sec. 3. 32 MRSA §18302, sub-§15, as enacted by PL 2015, c. 429, §21, is amended to read:

15. Denturism. "Denturism" means the process of ~~taking~~ obtaining denture impressions and bite registrations for the purpose of making, producing, reproducing, constructing, finishing, supplying, altering or repairing of a denture to be fitted to an edentulous or partially edentulous arch or arches and 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, in accordance with this chapter.

Sec. 4. 32 MRSA §18302, sub-§34, as enacted by PL 2015, c. 429, §21, is repealed.

Sec. 5. 32 MRSA §18304, sub-§2, ¶H, as enacted by PL 2015, c. 429, §21, is amended to read:

H. Employ a ~~an unlicensed person as a dental hygienist, independent practice dental hygienist, dentist or dental radiographer who is not licensed to practice to provide services for which a license is required by this chapter.~~

Sec. 6. 32 MRSA §18305, sub-§2, ¶J, as enacted by PL 2015, c. 429, §21, is amended to read:

J. A student enrolled in a dental assisting program or a board-approved dental program, dental hygiene program, dental therapy program, expanded function dental assisting program, dental radiography program or a denturism program practicing under the direct or general supervision of that student's instructors; and

Sec. 7. 32 MRSA §18305, sub-§2, ¶K, as enacted by PL 2015, c. 429, §21, is repealed.

Sec. 8. 32 MRSA §18342, sub-§§4 and 5, as enacted by PL 2015, c. 429, §21, are repealed.

Sec. 9. 32 MRSA §18345, sub-§1, ¶A, as enacted by PL 2015, c. 429, §21, is amended to read:

A. Verification of having successfully passed all examinations required by board rule and one of the following: