

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

FIRST REGULAR SESSION
December 2, 2020 to March 30, 2021

FIRST SPECIAL SESSION
April 28, 2021 to July 19, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
OCTOBER 18, 2021

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

Augusta, Maine
2021

A. A person who violates subsection 2 commits a civil violation for which a fine of not less than \$100 or more than \$500 may be adjudged.

B. A person who violates subsection 2 after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

See title page for effective date.

CHAPTER 88

S.P. 33 - L.D. 25

An Act To Modify the Qualifications for Resident Dentist Licensure

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, immediate enactment of this legislation regarding resident dentist licensure is necessary to timely give the Board of Dental Practice statutory authority to consider educational equivalency in an applicant's meeting educational qualifications for licensure, to remove unnecessary examinations for licensure and to allow the board to grant a license to a qualified dentist to obtain supervised, clinical experience in Maine while enrolled in a dental residency program; 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 §18342, sub-§6, ¶A, as enacted by PL 2015, c. 429, §21, is amended to read:

A. Verification of a doctoral degree in dentistry from a dental school accredited by the American Dental Association Commission on Dental Accreditation or its successor organization or the educational equivalent of a doctoral degree in dentistry as required by board rule;

Sec. 2. 32 MRSA §18342, sub-§6, ¶B, as enacted by PL 2015, c. 429, §21, is amended to read:

B. Verification of passing all examinations a jurisprudence examination as required by board rule;

Sec. 3. 32 MRSA §18371, sub-§2, ¶E, as enacted by PL 2015, c. 429, §21, is amended to read:

E. An individual with a resident dentist license may provide dental services only under the supervision of the sponsoring dentist in a board-

approved setting and in accordance with the level of supervision and control for which the license was issued by the board.

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

Effective June 8, 2021.

CHAPTER 89

S.P. 138 - L.D. 312

An Act To Extend the Maine Bicentennial Commission and the Use of Maine Bicentennial Registration Plates through 2021

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the State's COVID-19 response has delayed celebration of the State's bicentennial and restrictions on the display of commemorative vehicle registration plates prevent their use after December 31, 2020; and

Whereas, this legislation must take effect as soon as possible in order to allow the use of commemorative vehicle registration plates in order to celebrate the State's bicentennial; 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. 29-A MRSA §454, sub-§2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

2. Display. A commemorative plate may be displayed to replace the front registration plate on a motor vehicle, except a truck tractor, including a motor vehicle registered outside this State and operated within it, from January 1st to December 31st of the year celebrated, except that a commemorative plate celebrating the bicentennial of the State may be displayed until December 31, 2021.

Sec. 2. Resolve 2015, c. 23, §1 is amended to read:

Sec. 1. State of Maine Bicentennial commemorative plate. Resolved: That the Secretary of State shall issue, at no cost to the Secretary of State,

a reflectorized, commemorative simulated registration plate in recognition and celebration of the bicentennial of the State, which became the 23rd state on March 15, 1820. The Secretary of State shall design the plate, ~~and the plate must bear the date of its expiration, which is December 31, 2020.~~ Notwithstanding the Maine Revised Statutes, Title 29-A, section 454, the State of Maine Bicentennial commemorative plate may be displayed by covering, but not removing, the front registration plate on a motor vehicle, including a motor vehicle registered outside this State and operated within it, beginning January 1, 2018 to December 31, ~~2020~~ 2021. All State of Maine Bicentennial commemorative plates, including any such plates that bear an expiration date of December 31, 2020, expire on December 31, 2021. The plate may not be displayed on a truck tractor as defined in Title 29-A, section 101, subsection 90; and be it further

Sec. 3. Resolve 2015, c. 23, §2 is amended to read:

Sec. 2. Administrative fee; distribution. Resolved: That the Secretary of State shall develop a plan for the sale and distribution of the State of Maine Bicentennial commemorative plates, including in 2021. The fee for the State of Maine Bicentennial commemorative plate is \$25, which must be credited as follows:

1. Nine dollars per plate to the Secretary of State for the costs associated with the production and issuance of the plates; and
2. Sixteen dollars per plate to the Maine State Cultural Affairs Council established under the Maine Revised Statutes, Title 5, section 12004-G, subsection 7-A; and be it further

Sec. 4. Resolve 2017, c. 25, §3 is amended to read:

Sec. 3. Appointment terms. Resolved: That the Legislators appointed to the commission serve terms coincident with their legislative terms and are appointed every 2 years. Legislators may be reappointed to the commission and may continue to serve until their replacements are designated. Other members are appointed for terms that expire December 31, ~~2020~~ 2021; a vacancy is filled in the same manner as the original appointment. The terms of members whose terms expired on December 31, 2020 are deemed to continue and expire instead on December 31, 2021; and be it further

Sec. 5. Resolve 2017, c. 25, §8 is amended to read:

Sec. 8. Report. Resolved: That, no later than December 6, 2017, November 7, 2018, December 4, 2019 ~~and~~ November 4, 2020 ~~and December 1, 2021~~, the commission shall submit a progress report includes progress reports that include its findings and recom-

mendations for presentation to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs; and be it further

Sec. 6. Retroactivity. This Act applies retroactively to December 31, 2020.

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

Effective June 8, 2021.

CHAPTER 90

S.P. 276 - L.D. 711

An Act To Allow Certain Employees To Return to Participation in the Maine Public Employees Retirement System

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation must take effect as soon as possible to allow certain employees sufficient time to make the election to return to the Maine Public Employees Retirement System, as permitted by this legislation; 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. 5 MRSA §18252-A, sub-§1, ¶A, as amended by PL 2011, c. 449, §15, is further amended to read:

A. A person hired by a participating local district, or rehired following a break in service, after the date on which the employer provides a plan under section 18252-B must elect at the time of initial hiring or rehiring whether to be a member under the Participating Local District Retirement Program or to be covered under a plan provided by the employer under section 18252-B. Once an election is made under this paragraph, except as provided in paragraph E, the election is irrevocable with respect to all subsequent employment with the same employer when membership in the program is not mandatory.

Sec. 2. 5 MRSA §18252-A, sub-§1, ¶B, as amended by PL 2009, c. 474, §33, is further amended to read: