

# 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.**

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**Augusta, Maine**  
**2021**

4. Issuance of permit. The commissioner may issue or reissue an educational trip leader permit to a person who meets the qualifications established by the commissioner by rule under subsection 6 and who pays the fee established under subsection 5.

5. Fee. The initial qualifying fee for a 5-year educational trip leader permit is \$20. The permit may be renewed upon payment of \$20 if the requirements of this section, including requirements in rules adopted under subsection 6, are met.

6. Rules. The commissioner shall adopt rules to implement this section, including but not limited to rules establishing:

A. An advisory committee made up of persons with relevant expertise to advise the commissioner in the implementation of this section;

B. Qualifications for a person seeking to obtain an educational trip leader permit, including appropriate preparatory training and any exceptions to such training based on a person's experience;

C. Qualifications and other necessary standards or requirements relating to persons or entities providing preparatory training in accordance with paragraph B;

D. Procedures for reviewing and addressing complaints against persons or entities providing preparatory training to persons seeking to obtain educational trip leader permits as well as complaints against educational trip leader permit holders; and

E. Any other standards, conditions or procedures necessary for the effective implementation and enforcement of this section.

Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

7. Enforcement. Wardens of the department and the rangers of the Department of Agriculture, Conservation and Forestry, Bureau of Forestry and Bureau of Parks and Lands may enforce this section and may terminate any trip that is considered unsafe or in violation of this section. The commissioner, who shall take into consideration the advice of the advisory committee established in accordance with subsection 6, paragraph A, shall establish standards for what is considered an unsafe trip and shall consider previous violations of this section when issuing or reissuing educational trip leader permits.

**Sec. 10. 12 MRSA §12904**, as amended by PL 2011, c. 253, §35, is further amended to read:

**§12904. Exceptions**

This chapter does not apply to the operation of canoes or kayaks. This chapter does not apply to guides or youth camp trip leaders or educational trip leaders

licensed under chapter 927 or motorboat operators licensed under chapter 935, unless those persons are in the business of conducting commercial whitewater trips.

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

Effective June 11, 2021.

**CHAPTER 163**

**H.P. 1231 - L.D. 1660**

**An Act To Modify Dental Licensure Requirements To Consider Credentialed Individuals from Other Jurisdictions**

**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 sole purpose of the Board of Dental Practice is to protect the public health and welfare by ensuring that the public is served by competent and honest practitioners and by establishing minimum standards of proficiency; and

**Whereas**, the sole reliance on the accreditation status provided by the American Dental Association Commission on Dental Accreditation to doctoral degree programs in dentistry and dental hygiene degree programs has created unnecessary barriers for otherwise qualified applicants to obtain licensure in dentistry and dental hygiene; and

**Whereas**, the sole reliance on licensure in good standing from another state or Canadian province has created unnecessary barriers for otherwise qualified applicants from other jurisdictions to obtain licensure under the Dental Practice Act; and

**Whereas**, immediate enactment of this legislation is necessary to give the Board of Dental Practice statutory authority to consider on a case-by-case basis an applicant's educational equivalency in meeting the educational qualifications for licensure and to consider on a case-by-case basis an applicant's licensure in good standing from another jurisdiction; 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-§1, ¶A**, as enacted by PL 2015, c. 429, §21, is amended to read:

A. Verification of either a doctoral degree in dentistry from a dental school program 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~~ determined by the board rule; and

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

A. Verification of an active dental license in good standing issued under the laws of another state ~~or a Canadian province~~, a United States territory, a foreign nation or a foreign administrative division that issues licenses in the dental professions; and

**Sec. 3. 32 MRSA §18342, sub-§3, ¶A**, as enacted by PL 2015, c. 429, §21, is amended to read:

A. Verification of either a doctoral degree in dentistry from a dental school program 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~~ determined by the board rule;

**Sec. 4. 32 MRSA §18342, sub-§3, ¶B**, as enacted by PL 2015, c. 429, §21, is amended to read:

B. Verification that the applicant has been licensed as a dentist in good standing issued under the laws of this State or has an active dental license in good standing issued under the laws of another state ~~or a Canadian province~~, a United States territory, a foreign nation or a foreign administrative division that issues licenses in the dental professions;

**Sec. 5. 32 MRSA §18344, sub-§1, ¶B**, as corrected by RR 2015, c. 2, §22, is amended by amending subparagraph (3) to read:

(3) An active dental hygiene license in good standing issued under the laws of another state ~~or a Canadian province~~, a United States territory, a foreign nation or a foreign administrative division that issues licenses in the dental professions;

**Sec. 6. 32 MRSA §18345, sub-§1, ¶A**, as amended by PL 2017, c. 388, §9, is further amended by amending subparagraph (1) to read:

(1) Verification of an associate degree or higher in dental hygiene from a program accredited by the American Dental Association Commission on Dental Accreditation; or its successor organization or the educational equivalent of a dental hygiene degree, as determined by the board; or

**Sec. 7. 32 MRSA §18345, sub-§3, ¶A**, as enacted by PL 2015, c. 429, §21, is amended to read:

A. Verification of an active dental hygiene license in good standing issued under the laws of another state ~~or a Canadian province~~, a United States territory, a foreign nation or a foreign administrative division that issues licenses in the dental professions; and

**Sec. 8. 32 MRSA §18346, sub-§2, ¶A**, as enacted by PL 2015, c. 429, §21, is amended to read:

A. Verification of an active denturist license in good standing issued under the laws of another state ~~or a Canadian province~~, a United States territory, a foreign nation or a foreign administrative division that issues licenses in the dental professions; and

**Sec. 9. 32 MRSA §18347**, as enacted by PL 2015, c. 429, §21, is amended to read:

**§18347. Endorsement; applicants authorized to practice in another jurisdiction**

The board is authorized, at its discretion, to waive the examination requirements and issue a license or grant an authority to an applicant who is licensed under the laws of another state ~~or a Canadian province~~, a United States territory, a foreign nation or a foreign administrative division that issues licenses in the dental professions who furnishes proof, satisfactory to the board, that the requirements for licensure under this chapter have been met. Applicants must comply with the provisions set forth in section 18341.

**1. Applicants licensed in another jurisdiction.**

An applicant for licensure or seeking authority under this chapter who is licensed under the laws of another jurisdiction is governed by this subsection.

A. An applicant who is licensed in good standing at the time of application to the board under the laws of another state ~~or a Canadian province~~, a United States territory, a foreign nation or a foreign administrative division that issues licenses in the dental professions may qualify for licensure by submitting evidence to the board that the applicant has held a substantially equivalent, valid license for at least 3 consecutive years immediately preceding the application to the board at the level of licensure applied for in this State.

B. An applicant who does not meet the requirements of paragraph A but is licensed in good standing at the time of application to the board under the laws of another state ~~or a Canadian province~~, a United States territory, a foreign nation or a foreign administrative division that issues licenses in the dental professions may qualify for licensure by submitting evidence satisfactory to the board that

the applicant's qualifications for licensure are substantially similar to the requirements in this chapter for the relevant license.

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

Effective June 11, 2021.

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**CHAPTER 164  
S.P. 19 - L.D. 12**

**An Act To Require Annual  
Information Reporting by the  
Maine Information and  
Analysis Center**

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

**Sec. 1. 25 MRSA c. 201** is enacted to read:

**CHAPTER 201**

**MAINE INFORMATION AND ANALYSIS  
CENTER**

**§1801. Maine Information and Analysis Center annual reporting requirement**

The Department of Public Safety, Maine Information and Analysis Center, a cooperative effort between the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency and the State Police, established by executive order of the Governor and referred to in this chapter as "the center," shall report annually in writing by April 1st beginning in 2022 to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters regarding the performance of the center. The report must include a general narrative about the types of cases, crimes, incidents and reports the center has reviewed and evaluated in a manner that protects personal privacy and the integrity of the work of the center. The report must include both privacy audits performed in the prior year and de-identified information from those audits regarding the cases, crimes, incidents and reports on which the center worked during the prior year that were reviewed during the audits.

See title page for effective date.

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**CHAPTER 165  
S.P. 46 - L.D. 38**

**An Act To Clarify the Timing  
of an Appeal of a Finding  
Regarding Involuntary Mental  
Health Treatment at a  
Designated Nonstate Mental  
Health Institution**

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

**Sec. 1. 34-B MRSA §3861, sub-§3, ¶F,** as amended by PL 2011, c. 657, Pt. DD, §4, is further amended to read:

F. The provisions of this paragraph apply to the review and appeal of an order of the clinical review panel entered under paragraph B.

(1) The order of the clinical review panel at a state mental health institute is final agency action that may be appealed to the Superior Court in accordance with Rule 80C of the Maine Rules of Civil Procedure.

(2) The order of the clinical review panel at a designated nonstate mental health institution may be reviewed by the commissioner or the commissioner's designee upon receipt of a written request from the patient submitted no later than one business day after the patient receives the order of the clinical review panel. Within 3 business days of receipt of the request for review, the designated nonstate mental health institution shall submit the full clinical review panel record to the commissioner or the commissioner's designee. Within 3 business days of receipt of the request for review, the patient and the designated nonstate mental health institution may submit written arguments to the commissioner or the commissioner's designee. The commissioner or the commissioner's designee shall review the full clinical review panel record and issue a written decision and any written arguments submitted pursuant to this subparagraph for abuse of discretion, error of law or findings not supported by substantial evidence in the record. Within 3 business days of the receipt of the full clinical review panel record and any written arguments, the commissioner or the commissioner's designee shall issue a decision. The decision of the commissioner or the commissioner's designee may affirm the order, modify the order or vacate the order. The decision of the commissioner or the commissioner's designee takes effect one business day after the commissioner or the commissioner's designee issues a