

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND THIRTY-FIRST LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 7, 2022 to March 30, 2023**

**FIRST SPECIAL SESSION**  
**April 5, 2023 to July 26, 2023**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NONEMERGENCY LAWS IS**  
**JUNE 29, 2023**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NONEMERGENCY LAWS IS**  
**OCTOBER 25, 2023**

**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**  
**2023**

**CHAPTER 129  
H.P. 603 - L.D. 956**

**An Act Concerning Sexual  
Orientation and Gender  
Identity Data Collection in  
Health Care Facilities**

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

**Sec. 1. 22 MRSA §265** is enacted to read:

**§265. Electronic health record; sexual orientation  
and gender identity data**

Beginning October 1, 2026, a health care facility, other than a pharmacy licensed pursuant to Title 32, chapter 117, shall ensure that data related to sexual orientation and gender identity is collected from an individual as part of the health care information collected upon intake at a health care facility and at any other time demographic information is collected, unless the individual declines to answer questions regarding the individual's sexual orientation or gender identity. This data is part of the individual's electronic health record. For the purposes of this section, "health care facility" has the same meaning as in section 1711-C, subsection 1, paragraph D, "health care information" has the same meaning as in section 1711-C, subsection 1, paragraph E and "individual" has the same meaning as in section 1711-C, subsection 1, paragraph G. Data collected pursuant to this section is health care information that is subject to the confidentiality requirements of section 1711-C. The sexual orientation and gender identity data required to be collected pursuant to this section is the same as the sexual and gender identity data elements added by the federal Department of Health and Human Services, Health Resources and Services Administration to the uniform data system administered by the Health Resources and Services Administration in 2016 or included in any subsequent standards.

See title page for effective date.

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**CHAPTER 130  
H.P. 804 - L.D. 1256**

**An Act to Increase Access to  
Oral Health Care by  
Expanding the Maine Dental  
Education Loan Program**

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

**Sec. 1. 20-A MRSA §12302, sub-§1,** as amended by PL 2009, c. 8, §1, is further amended to read:

**1. Establishment.** The Maine Dental Education Loan Program, referred to in this chapter as "the program," is established. The authority shall administer the program. Under this program, beginning in fiscal year 2000-01 and ending in fiscal year 2007-08, the chief executive officer shall award up to 3 loans or loan repayment agreements annually up to an aggregate of 12. Beginning in fiscal year 2008-09, the chief executive officer shall award up to 3 loans or loan repayment agreements annually for doctors of dental medicine and up to 6 loans or loan repayment agreements annually for dental hygienists, dental therapists, expanded function dental assistants or dental assistants and may award additional loans or loan repayment agreements annually as funds permit. As provided in subsection 3:

A. Loans are available to Maine residents enrolled in a dental school or enrolled in any accredited school in a program of study for dental hygienists, dental therapists, expanded function dental assistants or dental assistants; or

B. A loan repayment agreement is available to a person who is eligible for licensure as a doctor of dental medicine or as a dental hygienist, dental therapist, expanded function dental assistant or dental assistant in Maine and who has outstanding dental education loans.

**Sec. 2. 20-A MRSA §12302, sub-§3, ¶A,** as repealed and replaced by PL 2005, c. 397, Pt. A, §17, is amended by amending subparagraph (2) to read:

(2) That the student be enrolled in a dental school or in any accredited school with a program of study for dental hygienists, dental therapists, expanded function dental assistants or dental assistants; and

**Sec. 3. 20-A MRSA §12302, sub-§3, ¶B,** as repealed and replaced by PL 2005, c. 397, Pt. A, §17, is amended by amending subparagraph (1) to read:

(1) That the applicant be eligible for licensure to practice dental medicine or as a dental hygienist, dental therapist, expanded function dental assistant or dental assistant in Maine;

See title page for effective date.

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**CHAPTER 131  
H.P. 821 - L.D. 1296**

**An Act to Authorize  
Municipalities to Allow  
Firefighters to Have Increased  
Lighting on Their Personal  
Vehicles**

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

**Sec. 1. 29-A MRSA §2054, sub-§2, ¶F**, as amended by PL 2021, c. 113, §1, is further amended by amending subparagraph (2) to read:

(2) The municipal officers or a municipal official designated by the municipal officers, with the approval of the fire chief, may authorize an active member of a municipal or volunteer fire department to use one red or combination red and white flashing auxiliary light mounted in the windshield or on the dashboard at the front of the vehicle or 2 flashing red or combination red and white auxiliary lights mounted on the front of the vehicle above the front bumper and below the hood and one red auxiliary light mounted in the rear window area. In addition to the lights authorized under this subparagraph, the municipal officers or municipal official designated by the municipal officers, with the approval of the fire chief, may authorize an active member of a municipal or volunteer fire department to use one red light bar ~~no more than 8~~ no more than 12 inches in length on the roof of the vehicle so that the light is visible to approaching traffic from the front and the rear of the vehicle. The light or lights may be displayed but may be used only while the member is en route to or at the scene of a fire or other emergency. A light mounted on the dashboard or in the windshield must be shielded so that the emitted light does not interfere with the operator's vision. The use of lights may be revoked at any time by the fire chief.

See title page for effective date.

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**CHAPTER 132**

**S.P. 563 - L.D. 1396**

**An Act to Clarify the Laws  
Regarding Delegating  
Authority for Services  
Performed by Emergency  
Medical Services Personnel or  
Others as a Medical Assistant**

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

**Sec. 1. 32 MRSA §85, sub-§7**, as amended by PL 2021, c. 587, §1, is further amended to read:

**7. Delegation.** This chapter may not be construed to prohibit a person licensed as an emergency medical services person from rendering medical services in a hospital or other health care facility setting if those services are:

- A. Rendered in the person's capacity as an employee of the hospital or health care facility;

- B. Authorized by the hospital or health care facility; and

- C. Delegated in accordance with section 2594-A ~~or, section 2594-E, subsection 4, section 3270-A or section 3270-E, subsection 4.~~

Unless otherwise provided by law, an emergency medical services person licensed under this chapter may not simultaneously act as a licensee under this chapter and an assistant performing medical services delegated by a physician in accordance with section 2594-A or section 3270-A or by a physician assistant in accordance with section 2594-E, subsection 4 or section 3270-E, subsection 4.

**Sec. 2. 32 MRSA §2594-A, first ¶**, as amended by PL 2019, c. 627, Pt. B, §11, is further amended to read:

This chapter may not be construed as prohibiting a physician from delegating to the physician's employees or support staff certain activities relating to medical care and treatment carried out by custom and usage when these activities are under the ~~direct~~ control of the physician; the activities being delegated do not, unless otherwise provided by law, require a license, registration or certification to perform; the physician ensures that the employees or support staff have the appropriate training, education and experience to perform these delegated activities; and the physician ensures that the employees or support staff perform these delegated activities competently and safely. The physician delegating these activities to employees or support staff, to program graduates or to participants in an approved training program is legally liable for the activities of those individuals, and any individual in this relationship is considered the physician's agent. Nothing contained in this section may be construed to apply to registered nurses acting pursuant to chapter 31 and licensed physician assistants acting pursuant to this chapter or chapter 48.

**Sec. 3. 32 MRSA §2594-E, sub-§4**, as amended by PL 2019, c. 627, Pt. B, §12, is further amended to read:

**4. Delegation by physician assistant.** A physician assistant may delegate to the physician assistant's employees or support staff or members of a health care team, including medical assistants, certain activities relating to medical care and treatment carried out by custom and usage when the activities are under the control of the physician assistant; the activities being delegated do not, unless otherwise provided by law, require a license, registration or certification to perform; the physician assistant ensures that the employees or support staff or members of a health care team have the appropriate training, education and experience to perform these delegated activities; and the physician assistant ensures that the employees or support staff perform these delegated activities competently and safely. The