

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

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

Augusta, Maine
2023

CHAPTER 353
H.P. 904 - L.D. 1408

**An Act to Reduce Maine's
Dependence on Fossil Fuels
and Carbon Footprint for
Energy Production Using
Waste Wood Fuel**

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

Sec. 1. 12 MRSA §8884, sub-§5 is enacted to read:

5. Report. If the bureau provides a report related to wood processor reports received by the bureau in accordance with subsection 1 to the joint standing committee of the Legislature having jurisdiction over forestry management matters, the bureau shall also submit a copy of the report to the joint standing committee of the Legislature having jurisdiction over energy matters.

Sec. 2. 35-A MRSA §3622, sub-§2, as enacted by PL 2021, c. 604, §3, is amended to read:

2. Net generating capacity. "Net generating capacity" means the electric output of an electricity generating facility delivered to the transmission and distribution utility system. "Net generating capacity" does not include any energy consumed by the generator to operate the electricity generating facility, energy provided behind the meter to facilities adjacent to the electricity generating facility or any energy consumed for facility lighting, power and auxiliary facilities.

Sec. 3. 35-A MRSA §3623, sub-§2, ¶A, as enacted by PL 2021, c. 604, §3, is amended to read:

A. The net generating capacity of a program participant may not be less than 3 megawatts or more than ~~40~~ 15 megawatts.

Sec. 4. 35-A MRSA §3623, sub-§2, ¶B, as enacted by PL 2021, c. 604, §3, is amended to read:

B. The total net generating capacity of all program participants combined may not exceed ~~20~~ 30 megawatts.

The commission may modify the amount of total net generating capacity stipulated under this paragraph based on program experience.

Sec. 5. 35-A MRSA §3623, sub-§3, ¶D, as enacted by PL 2021, c. 604, §3, is amended to read:

D. Be highly efficient, as determined by the commission on a technology-specific basis; and

Sec. 6. 35-A MRSA §3624, sub-§1, as enacted by PL 2021, c. 604, §3, is repealed and the following enacted in its place:

1. Investor-owned transmission and distribution utilities; required participation. Notwithstanding section 3204, the commission may direct an investor-owned transmission and distribution utility to enter into long-term contracts for energy with one or more program participants if the program participant is:

A. Located within the service territory of the investor-owned transmission and distribution utility; or

B. Located within the service territory of a consumer-owned transmission and distribution utility if:

(1) The program participant delivers energy to a location within the service territory of the investor-owned transmission and distribution utility;

(2) The program participant does not sell energy to the consumer-owned transmission and distribution utility in whose territory the program participant is located; and

(3) The consumer-owned transmission and distribution utility consents to the sale and transmission of that energy pursuant to a long-term contract.

The commission may direct investor-owned transmission and distribution utilities to enter into contracts under this subsection only as agents for their customers and only in accordance with this section. An investor-owned transmission and distribution utility shall sell energy pursuant to this subsection into the wholesale electricity market or take other action relative to that energy directed by the commission.

Sec. 7. 35-A MRSA §3624, sub-§2, as enacted by PL 2021, c. 604, §3, is amended to read:

2. Consumer-owned transmission and distribution utilities; voluntary participation. A consumer-owned transmission and distribution utility may, at the option of the utility, enter into long-term contracts with one or more program participants located within the service territory of the utility for energy, ~~capacity resources or renewable energy credits~~. Consumer-owned transmission and distribution utilities may enter into contracts under this subsection only as agents for their customers and only in accordance with this section.

Sec. 8. 35-A MRSA §3624, sub-§3, as enacted by PL 2021, c. 604, §3, is amended to read:

3. Sale of energy; contract procedures. ~~Energy, capacity resources or renewable energy credits~~ contracted through long-term contracts pursuant to this section may be sold into the wholesale electricity market separately or in conjunction with solicitations for standard-offer supply bids under section 3212 or solicitations for green power offer bids under section 3212-B. To the greatest extent possible, the commission shall

develop procedures for long-term contracts for transmission and distribution utilities under this section having the same legal and financial effect as the procedures used for standard-offer service pursuant to section 3212 for transmission and distribution utilities.

Sec. 9. 35-A MRSA §3624, sub-§7, as enacted by PL 2021, c. 604, §3, is amended to read:

7. Contract payments. Contracts for capacity and related energy entered into pursuant to this section must provide that payments will be made only after contracted amounts of energy have been provided.

See title page for effective date.

CHAPTER 354

H.P. 1026 - L.D. 1581

An Act Regarding Dental Hygienists and Dental Therapists

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

Sec. 1. 32 MRSA §18302, sub-§6-A is enacted to read:

6-A. Dental hygiene diagnosis. "Dental hygiene diagnosis" means the identification of an existing oral health problem that a dental hygienist is qualified and licensed to treat.

Sec. 2. 32 MRSA §18341, sub-§4 is enacted to read:

4. Basic life support. An applicant seeking an initial or a renewed license must include evidence of basic life support certification.

Sec. 3. 32 MRSA §18345, sub-§2, ¶F, as amended by PL 2021, c. 44, §4, is further amended by amending subparagraph (2) to read:

(2) A copy of the written agreement between the applicant and a dentist who will provide ~~levels of direct supervision consistent with the scope of practice for the procedures outlined in section 18377 and, subsection 1, paragraph A and general supervision for the procedures outlined in section 18377, subsection 1, paragraph B~~ in conformity with rules adopted by the board.

Sec. 4. 32 MRSA §18350, as enacted by PL 2015, c. 429, §21, is amended to read:

§18350. Continuing education

As a condition of renewal of a license to practice, an applicant must have a current ~~cardiopulmonary resuscitation~~ basic life support certification and complete continuing education during the licensing cycle prior to

application for renewal. The board may prescribe by rule the content and types of continuing education activities that meet the requirements of this section.

Sec. 5. 32 MRSA §18374, sub-§1, ¶A, as amended by PL 2021, c. 223, §12, is further amended to read:

A. Administer ~~local anesthesia or~~ nitrous oxide analgesia, as long as the dental hygienist or faculty dental hygienist has authority to administer the ~~relevant~~ medication pursuant to section 18345, subsection 2, paragraph ~~D or E~~.

Sec. 6. 32 MRSA §18374, sub-§1-A is enacted to read:

1-A. Scope of practice; general supervision. Under the general supervision of a dentist, a dental hygienist and faculty dental hygienist may administer local anesthesia, as long as the dental hygienist or faculty dental hygienist has authority to administer the medication pursuant to section 18345, subsection 2, paragraph D.

Sec. 7. 32 MRSA §18374, sub-§2, as amended by PL 2021, c. 223, §12, is further amended to read:

2. Scope of practice; general supervision. A dental hygienist and faculty dental hygienist may perform ~~under the general supervision of a dentist~~ all of the activities that may be delegated to an unlicensed person pursuant to section 18371, subsection 3. A dental hygienist and faculty dental hygienist may also perform the following procedures ~~under the general supervision of a dentist~~:

~~A. 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;~~

~~A-1. Prescribe, dispense or administer fluoride, silver diamine fluoride, antimicrobial solutions for mouth rinsing, topical anesthetics, other nonsystemic antimicrobial agents, desensitizing agents and resorbable antimicrobial agents;~~

~~C. Apply desensitizing agents to teeth;~~

~~D. Apply fluoride to control caries;~~

~~F. Apply sealants;~~

~~J. Expose and process radiographs;~~

~~S. Perform all procedures necessary for a complete prophylaxis, including but not limited to scaling and root planing and periodontal maintenance;~~

~~U. Perform complete periodontal and dental restorative charting;~~

~~X. Perform oral inspections, recording all conditions that should be called to the attention of the dentist;~~