

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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OCTOBER 25, 2023

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

Augusta, Maine
2023

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;~~

~~GG. Place localized delivery of chemotherapeutic agents when treatment is planned by the dentist;~~

~~JJ. Place temporary restorations as an emergency procedure, as long as the patient is informed of the temporary nature of the restoration in compliance with the protocol adopted by the board; and~~

~~TT. Smooth and polish amalgam restorations;~~

~~ZZ. Perform dental hygiene assessment, dental hygiene diagnosis and dental hygiene treatment planning and implementation in the identification, prevention and management of oral disease; and~~

~~AAA. Obtain impressions for and deliver athletic mouth guards and custom fluoride trays.~~

Sec. 8. 32 MRSA §18375, sub-§1, as amended by PL 2017, c. 388, §§20 and 21, is further amended to read:

1. Scope of practice. An independent practice dental hygienist may perform ~~only~~ the following duties without supervision by a dentist:

~~A. Interview patients and record complete medical and dental histories;~~

~~B. Take and record the vital signs of blood pressure, pulse and temperature;~~

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

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

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

F. Apply fluoride to control caries;

G. Apply desensitizing agents to teeth;

H. Apply topical anesthetics;

I. Apply sealants;

J. Smooth and polish amalgam restorations, ~~limited to slow speed application only~~;

L. Obtain impressions for and deliver athletic mouth guards and custom fluoride trays;

~~M. Place and remove rubber dams;~~

N. Place temporary restorations in compliance with the protocol adopted by the board;

O. Apply topical antimicrobials, ~~including fluoride but excluding antibiotics, for the purposes of bacterial reduction, caries control and desensitization in the oral cavity. The independent practice dental hygienist shall follow current manufacturer's instructions in the use of these medicaments;~~

P. Expose and process radiographs, including but not limited to vertical and horizontal bitewing films, periapical films, panoramic images and full-mouth series, ~~under protocols developed by the board as long as the independent practice dental hygienist has a written agreement with a licensed dentist that provides that the dentist is available to interpret all dental radiographs within 21 days from the date the radiograph is taken and that the dentist will sign a radiographic review and findings form; and~~

Q. Prescribe, dispense or administer ~~antecavity 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. For the purposes of this paragraph, "topical" includes superficial and intraoral application.~~ fluoride, silver diamine fluoride, antimicrobial solutions for mouth rinsing, topical anesthetics, other nonsystemic antimicrobial agents, desensitizing agents and resorbable antimicrobial agents; and

R. Perform dental hygiene assessment, dental hygiene diagnosis and dental hygiene treatment planning and implementation in the identification, prevention and management of oral disease.

Sec. 9. 32 MRSA §18376, sub-§1, as amended by PL 2017, c. 388, §§22 and 23, is further amended to read:

1. Scope of practice. A public health dental hygienist may perform the following procedures in a public health setting ~~under a supervision agreement with a dentist that outlines the roles and responsibilities of the collaboration:~~

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

~~B. Apply cavity varnish;~~

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

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

~~E. Apply liquids, pastes or gel topical anesthetics;~~

~~F. Apply sealants;~~

G. Apply topical antimicrobials, ~~including fluoride but excluding antibiotics, for the purposes of bacterial reduction, caries control and desensitization in the oral cavity. The public health dental hygienist shall follow current manufacturer's instructions in the use of these medicaments. For the purposes~~

of this paragraph, "topical" includes superficial and intramuscular application;

I. Expose and process radiographs upon written standing prescription orders from a dentist who is available to interpret all dental radiographs within 21 days and who will complete and sign a radiographic review and findings form;

J. For instruction purposes, demonstrate to a patient how the patient should place and remove removable prostheses, appliances or retainers;

K. For the purposes of eliminating pain or discomfort, remove loose, broken or irritating orthodontic appliances;

L. Give oral health instruction;

M. Interview patients and record complete medical and dental histories;

N. Irrigate and aspirate the oral cavity;

O. Isolate operative fields;

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

Q. Perform complete periodontal and dental restorative charting;

R. Perform dietary analyses for dental disease control;

S. Perform temporary filling procedures without a dentist present under protocols adopted by board rule;

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

U. Perform pulp vitality tests pursuant to the direction of a dentist;

V. Place and remove gingival retraction cord without vasoconstrictor;

W. Place and remove matrix bands for purposes of fabricating or placing temporary restorations;

X. Place and remove rubber dams;

Y. Place and remove wedges for purposes of fabricating or placing temporary restorations;

Z. Place temporary restorations in compliance with the protocol adopted by board rule;

AA. Remove excess cement from the supragingival surfaces of teeth;

BB. Retract lips, cheek, tongue and other tissue parts;

CC. Smooth and polish restorations, limited to slow speed application only;

DD. Take and record the vital signs of blood pressure, pulse and temperature;

EE. Take dental plaque smears for microscopic inspection and patient education;

FF. Obtain impressions for and deliver athletic mouth guards and custom fluoride trays; and

GG. Take intraoral photographs.

HH. Perform dental hygiene assessment, dental hygiene diagnosis and dental hygiene treatment planning and implementation in the identification, prevention and management of oral disease.

Sec. 10. 32 MRSA §18377, sub-§1, as amended by PL 2021, c. 223, §13, is further amended to read:

1. Scope of practice. A dental therapist may perform the following procedures in limited practice settings, if authorized by a written practice agreement with under the general supervision of a supervising dentist licensed in this State pursuant to subsection 3.

A. To the extent permitted in a written practice agreement, a dental therapist may provide the care and services listed in this paragraph only under the direct general supervision of the supervising dentist:

- (1) Perform oral health assessments, pulpal disease assessments for primary and young teeth, simple cavity preparations and restorations and simple extractions;
- (2) Prepare and place stainless steel crowns and aesthetic anterior crowns for primary incisors and prepare, place and remove space maintainers;
- (4) Administer local anesthesia and nitrous oxide analgesia;
- (6) Conduct urgent management of dental trauma, perform suturing, extract primary teeth and perform nonsurgical extractions of periodontally diseased permanent teeth if authorized in advance by the supervising dentist; and
- (7) Provide, dispense and administer anti-inflammatories, nonprescription analgesics, antimicrobials, antibiotics and anticaries materials.

B. To the extent permitted in a written practice agreement, a dental therapist may provide the care and services identified in section 18371, subsection 3 and section 18374 under the general supervision of the supervising dentist.

Sec. 11. 32 MRSA §18377, sub-§3, ¶B, as amended by PL 2019, c. 388, §10, is further amended to read:

B. A dental therapist may practice ~~only~~ under the ~~direct~~ general supervision of a dentist through a written practice agreement signed by both parties. A written practice agreement is a signed document that outlines the functions that the dental therapist is authorized to perform, which may not exceed the scopes of practice specified in subsections 1 and 2. A dental therapist may practice only under the standing order of the supervising dentist, may provide only care that follows written protocols and may provide only services that the dental therapist is authorized to provide by the written practice agreement.

See title page for effective date.

CHAPTER 355

S.P. 762 - L.D. 1887

An Act to Clarify the Review and Procurement Process for Nonwires Alternatives

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

Sec. 1. 35-A MRSA §3131, sub-§4-B, as enacted by PL 2013, c. 369, Pt. C, §1, is repealed.

Sec. 2. 35-A MRSA §3131, sub-§4-C, as enacted by PL 2019, c. 298, §5, is amended to read:

4-C. Nonwires alternative. "Nonwires alternative" means ~~a nontransmission alternative or~~ an infrastructure, technology or application that either individually or collectively defers or reduces the need for capital investment in the transmission ~~and or~~ distribution system and addresses system reliability needs proposed to be met by the transmission or distribution system investment. "Nonwires alternative" includes but is not limited to energy efficiency and conservation measures, energy storage, load management, demand response and distributed generation.

Sec. 3. 35-A MRSA §3132, sub-§2-D, as amended by PL 2019, c. 298, §7, is further amended to read:

2-D. ~~Nontransmission~~ Nonwires alternatives investigation; consideration. In considering whether to approve or disapprove all or portions of a proposed transmission line and associated infrastructure pursuant to subsection 5, the commission shall, for a transmission line proposed by an investor-owned transmission and distribution utility, consider the results and recommendations of an investigation by the nonwires alternative coordinator conducted in accordance with section 3132-C.

Sec. 4. 35-A MRSA §3132, sub-§5, as amended by PL 2019, c. 298, §10, is further amended to read:

5. Commission approval of a proposed transmission line; ~~nontransmission~~ nonwires alternatives. The commission may approve or disapprove all or portions of a proposed transmission line and shall make such orders regarding its character, size, installation and maintenance and regarding ~~nontransmission~~ nonwires alternatives to the proposed transmission line as are necessary, having regard for any increased costs caused by the orders. In its review and consideration of ~~nontransmission~~ nonwires alternatives, as required by subsection 2-D, the commission shall give preference to the ~~nontransmission~~ nonwires alternatives that have been identified as able to address the identified need for the proposed transmission line most cost-effectively. When the cost-effectiveness of the identified ~~nontransmission~~ nonwires alternatives are reasonably equal, the commission shall give preference to the alternatives that produce the lowest amount of local air emissions, including greenhouse gas emissions.

Sec. 5. 35-A MRSA §3132, sub-§6, as amended by PL 2019, c. 298, §11, is further amended to read:

6. Commission order; certificate of public convenience and necessity. In its order, the commission shall make specific findings with regard to the public need for the proposed transmission line. The commission shall make specific findings with regard to the likelihood that ~~nontransmission~~ nonwires alternatives can sufficiently address the identified public need over the effective life of the transmission line more cost-effectively. If the commission finds that a public need exists, after considering whether the need can be reliably and more cost-effectively met using ~~nontransmission~~ nonwires alternatives, it shall issue a certificate of public convenience and necessity for the transmission line. In determining public need, the commission shall, at a minimum, take into account economics, reliability, public health and safety, scenic, historic and recreational values, state renewable energy generation goals, the proximity of the proposed transmission line to inhabited dwellings and ~~nontransmission~~ nonwires alternatives to construction of the transmission line, including energy conservation, distributed generation or load management. If the commission orders or allows the erection of the transmission line, the order is subject to all other provisions of law and the right of any other agency to approve the transmission line. The commission shall, as necessary and in accordance with subsections 7 and 8, consider the findings of the Department of Environmental Protection under Title 38, chapter 3, subchapter 1, article 6, with respect to the proposed transmission line and any modifications ordered by the Department of Environmental Protection to lessen the impact of the proposed transmission line on the environment. A person may submit a petition for and obtain approval of a proposed transmission line under this section before applying for approval under municipal ordinances adopted pursuant to Title 30-A, Part 2, Subpart