

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR AND FIRST SPECIAL SESSIONS



Summaries of bills, adopted amendments and laws enacted or finally passed
during the Second Regular or First Special Sessions of the 123rd Maine
Legislature coming from the

**JOINT STANDING COMMITTEE ON BUSINESS, RESEARCH
AND ECONOMIC DEVELOPMENT**

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STATE OF MAINE
123RD LEGISLATURE
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**LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS**

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the Second Regular or First Special Sessions of the 123rd Maine Legislature.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed; bill died</i>
<i>ONTP (or Accepted ONTP report)</i>	<i>Ought Not To Pass report accepted; bill died</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session (R2) is June 30, 2008. The effective date for non-emergency legislation enacted in the First Special Session (S1) is July 18, 2008.¹ The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills. Any bill summarized in this document having an LD number less than 1932 was a bill carried over from the First Regular Session of the 123rd Legislature.

¹ The session in which each law was enacted or finally passed (R2 or S1) is included in Appendix C.

Joint Standing Committee on Business, Research and Economic Development

**LD 2271 An Act Regarding the State Government Evaluation Act Review of the
Maine State Housing Authority**

PUBLIC 562

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This bill makes the following changes to the laws governing the Maine State Housing Authority:

1. It eliminates the annual reporting requirement for the recommendations regarding housing for persons under 35 years of age.
2. It provides the Maine State Housing Authority with the ability to administer state and other funds for persons who are homeless.
3. It expands the records protected as confidential records pursuant to the freedom of access law to include the addresses of domestic violence shelters and living accommodations, as well as information collected by recipients of grants, mortgages and mortgage insurance from the authority.
4. It repeals the setting aside of funds within the Housing Opportunities for Maine Fund.

Enacted Law Summary

Public Law 2007, chapter 562 makes the following changes to the laws governing the Maine State Housing Authority:

1. It eliminates the annual reporting requirement for the recommendations regarding housing for persons under 35 years of age.
2. It provides the Maine State Housing Authority with the ability to administer state and other funds for persons who are homeless.
3. It expands the records protected as confidential records pursuant to the freedom of access law to include the addresses of domestic violence shelters and living accommodations, as well as information collected by recipients of grants, mortgages and mortgage insurance from the authority.
4. It repeals the setting aside of funds within the Housing Opportunities for Maine Fund.

LD 2277 An Act Regarding the Sunrise Review of Oral Health Care Issues

PUBLIC 620

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-934

This bill creates the new license category of independent practice dental hygienist. An independent practice dental hygienist must meet the ordinary requirements for licensure as a dental hygienist and, in addition, must have an associate degree in dental hygiene with 3 years' experience or a bachelor's degree in dental hygiene with one year's experience. The bill authorizes an independent practice dental hygienist to perform specified procedures without supervision by a dentist, but requires an independent practice dental hygienist to provide a patient with a referral plan to a dentist for any necessary dental care. Under this bill an independent practice dental hygienist could be the proprietor of a business or could be an employee of a dentist, denturist, another independent practice dental

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hygienist or a business owned by persons who are not dental professionals. The bill also provides the Subcommittee on Denturists with the authority to review applications for licensure and submissions relating to continuing education of denturists, as well as provides the subcommittee with rule-making authority. It also provides the Subcommittee on Dental Hygienist Submissions with rule-making authority.

Committee Amendment "A" (H-934)

This amendment provides the Subcommittee on Denturists and the Subcommittee on Dental Hygienists with equal authority to review applications for licensure and submissions relating to continuing education, as well as initial review of all complaints. It removes all references to the rule-making authority provided to these subcommittees in the bill. It also requires that a proprietor of a business where independent practice dental hygiene is performed be a licensee of the Board of Dental Examiners.

Enacted Law Summary

Public Law 2007, chapter 620 creates the new license category of independent practice dental hygienist. An independent practice dental hygienist must meet the ordinary requirements for licensure as a dental hygienist and, in addition, must have an associate degree in dental hygiene with 3 years of experience or a bachelor's degree in dental hygiene with one year of experience. The law authorizes an independent practice dental hygienist to perform specified procedures without supervision by a dentist, but requires an independent practice dental hygienist to provide a patient with a referral plan to a dentist for any necessary dental care. The law provides the Subcommittee on Denturists and the Subcommittee on Dental Hygienists with equal authority to review applications for licensure and submissions relating to continuing education, as well as initial review of all complaints. The law also allows any licensee of the Board of Dental Examiners to be a proprietor of a business where independent practice dental hygiene is performed.

LD 2278 An Act To Create Efficiencies in Professional Licensing Laws Pursuant to the State Government Evaluation Act Review of the Department of Professional and Financial Regulation

PUBLIC 621

Sponsor(s)

Committee Report

Amendments Adopted

OTP

H-967 SMITH N

This bill clarifies the legal requirement that licensees report name, address or other material change information to the Department of Professional and Financial Regulation within 10 days of the change; reenacts provisions that permit 2 boards to enforce orders of correction; changes the configuration of certain licensing boards; corrects cross-references in certain board statutes; eliminates unnecessary documentation requirements; repeals the Maine Athletic Commission; and sunsets the "registered counselor" license category.

House Amendment "A" (H-967)

This amendment moves the statutory provision pertaining to the duty to require certain information from applicants and licensees from the general administrative authority of the Department of Professional and Financial Regulations, Office of Licensing and Registration to a new section of the Maine Revised Statutes, Title 10 to permit the office and the boards, commissions and regulatory function within the office to enforce this provision.

Enacted Law Summary

Public Law 2007, chapter 621 clarifies the legal requirement that licensees report name, address or other material change information to the Department of Professional and Financial Regulation, Office Licensing and Registration within 10 days of the change; reenacts provisions that permit 2 boards to enforce orders of correction; changes the configuration of certain licensing boards; corrects cross-references in certain board statutes; eliminates unnecessary documentation requirements; repeals the Maine Athletic Commission; and sunsets the "registered counselor" license category.