

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
SEPTEMBER 30, 1989

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

J.S. McCarthy Company
Augusta, Maine
1989

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

of the State to observe this day in suitable places with appropriate ceremony and activity. Former Prisoner of War Recognition Day shall commemorate, honor and recognize the courage and heroism of all former prisoners of war who served the nation in times of crisis and emergency and who were captured in the defense of the nation.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective April 12, 1989.

CHAPTER 38

H.P. 239 - L.D. 351

An Act to Prohibit the Use of Plastic Beverage Stirrers in State Facilities

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

Sec. 1. 38 MRSA §1652, sub-§1-A is enacted to read:

1-A. Prohibition on plastic beverage stirrers. A food service providing or serving a beverage at a facility or function of the State or of a political subdivision shall not provide beverage stirrers that are composed of plastic. For the purposes of this subsection, the term, "beverage stirrer," is a device which is designed solely for the purpose of mixing liquids intended for internal human consumption in single serving containers.

Sec. 2. Effective date. This Act shall take effect January 1, 1990.

Effective January 1, 1990.

CHAPTER 39

H.P. 349 - L.D. 468

An Act to Ban the Use of Chlorofluorocarbons in All Plastic Foam Boards

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

38 MRSA §1603, as enacted by PL 1987, c. 752, §3, is amended to read:

§1603. Foam products

1. Prohibition on extruded polystyrene foam sheets. After January 1, 1989, no person may sell or offer to sell in this State any product composed in whole or in part of thermoformed extruded polystyrene foam sheets if the foam is manufactured using any fully halogenated chlo-

rofluorocarbon found by the United States Environmental Protection Agency to be an ozone-depleting chemical.

2. Prohibition on foam board. No person may sell or offer to sell in this State any product composed in whole or in part of ~~extruded polystyrene~~ foam board if:

A. The foam is manufactured using any fully halogenated chlorofluorocarbons found by the United States Environmental Protection Agency to be an ozone-depleting chemical; and

B. A substitute for fully halogenated chlorofluorocarbon blowing agents is available and found to meet public health and safety standards by all applicable federal and state agencies.

3. Compliance. ~~All distributors engaged in the sale or distribution of extruded polystyrene foam products in Maine which are manufactured using chlorofluorocarbons shall certify to the Department of Environmental Protection by January 31, 1989, their compliance with subsection 1, or their scheduled compliance with subsection 2~~ Compliance with this section shall be as follows.

A. All distributors engaged in the sale or distribution in Maine of products covered under subsection 1, shall certify to the Department of Environmental Protection by January 31, 1989, their compliance with subsection 1.

B. All distributors engaged in the sale or distribution in Maine of products covered under subsection 2, shall certify to the Department of Environmental Protection by July 1, 1990, their compliance or scheduled compliance with subsection 2.

See title page for effective date.

CHAPTER 40

S.P. 229 - L.D. 559

An Act to Amend the General Relocation Assistance Provisions to Achieve Compliance with Certain Federal Laws

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Federal Government requires the provisions of state relocation laws governing federally-assisted programs and projects be consistent with the 1987 amendments to the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; and

Whereas, consistency must be achieved no later than April 1, 1989; and

Whereas, if consistency is not timely achieved by the State, the State will be at risk of loss of federal funding for its programs and projects; 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. 1 MRSA §902, as amended by PL 1973, c. 625, §5, is further amended to read:

§902. State acceptance of federal funds; compliance with federal laws

Whenever the acquisition of real property for a program undertaken by the State or any other public or private entity subject to the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, PL 91-646 and 100-17, Title IV, as amended, referred to in this chapter as the "Federal Uniform Relocation Act," will result in the displacement of any person on or after ~~March 1, 1972~~ April 2, 1989, and the program is eligible for federal financial assistance, the State and any other public or private entity subject to the Federal Uniform Relocation Act is authorized to may receive such the federal financial assistance and upon or in anticipation of receipt thereof, ~~is authorized to~~ may comply with all of the provisions of, ~~to~~ be guided to the greatest extent practicable by the land acquisition policies set forth in and ~~to~~ do all things necessary or proper to provide the services, payments and benefits provided in the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646; 84 Stat. 1894).

Sec. 2. 1 MRSA §903, as enacted by PL 1971, c. 597, is amended to read:

§903. Definitions and exclusion

Except where the context otherwise requires or as expressly set forth in this chapter, all terms used in this chapter shall have the same definitions as are set forth in the ~~federal~~ Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. The term "State" shall include every agency, department and political subdivision of the State, but shall not include the Department of Transportation. Nothing in this chapter shall may be construed to alter or amend Title 23, chapter 3, subchapter VII, which does and shall continue to apply exclusively to state or state aid highway projects and other activities of and by the Department of Transportation.

Sec. 3. 1 MRSA §904, as amended by PL 1973, c. 625, §6, is further amended to read:

§904. Limitations

Nothing in this chapter shall may be construed as creating in any condemnation proceeding brought under the

power of eminent domain any element of value or of damage not in existence immediately prior to ~~March 1, 1972~~ April 2, 1989.

The requirement by the State to be guided, to the greatest extent practicable, by the policies set forth in the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 shall create no rights or liabilities and shall not affect the validity of any property acquisitions by purchase or condemnation.

Nothing in this chapter shall may be construed to require the State to provide services, payments or benefits which exceed in quantity or quality those which are necessary or proper for the State to provide in order for the State to receive federal financial assistance by complying with the obligations imposed or incumbent upon states under the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

Nothing in this chapter shall may be construed to limit the authority or eligibility of the State to receive federal financial assistance.

Sec. 4. 1 MRSA §905 is enacted to read:

§905. Guidelines; rules

The head of each department and agency subject to this chapter may issue guidelines and procedures and promulgate rules as necessary or appropriate to carry out this chapter.

Sec. 5. Application. This Act shall apply only to persons who become displaced persons on or after April 2, 1989.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective April 14, 1989.

CHAPTER 41

S.P. 191 - L.D. 418

An Act to Amend Laws Related to the Bureau of Mental Retardation's Role in In-state Residential Treatment Centers

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

34-B MRSA §1208, sub-§4, as enacted by PL 1985, c. 789, §§8 and 9, is amended to read:

4. Payment for state agency clients. The commissioner shall authorize payment of approved mental health treatment costs for state agency clients who are placed for educational purposes with the recommendation of a ~~Bureau~~