

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

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

August 21, 1989 to August 22, 1989

and

SECOND REGULAR SESSION

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
July 14, 1990

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
1990

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

January 3, 1990 to April 14, 1990

Sec. 4. 15 MRSA §101-B, sub-§6, as enacted by PL 1987, c. 402, Pt. A, §109, is amended to read:

6. No release during commitment period; violation. ~~Any~~ No person ordered or committed for examination, observation, care or treatment pursuant to this section ~~shall not may~~ be released from the ~~examining~~ designated institution during the period of examination. Any individual responsible for or permitting the release of a respondent from the ~~examining~~ designated institution who has been committed pursuant to this section commits a civil violation for which a forfeiture not to exceed \$1,000 may be adjudged.

Sec. 5. 15 MRSA §101-B, sub-§7 is enacted to read:

7. Examination after conviction. If the issue of criminal responsibility, mental competence, abnormal condition of mind or any other issue involving the mental or emotional condition of the defendant is raised after conviction, the court may order the convicted person to be examined by the State Forensic Service. If at the time an examination order is entered by the court the convicted person is in execution of any sentence imposed for any criminal conduct, the time limits and bail provisions of this section do not apply.

Sec. 6. 15 MRSA §101-C, sub-§4, as enacted by PL 1987, c. 402, Pt. A, §109, is amended to read:

4. Definition. "Records" means information about a person, in whatever medium preserved. It includes, but is not limited to, medical histories, social histories, military histories, government histories, educational histories, drug and alcohol treatment histories, criminal record histories, penal institution histories and documentation pertaining to diagnosis or treatment.

Sec. 7. 15 MRSA §105, as amended by PL 1981, c. 493, §2, is repealed.

Sec. 8. 15 MRSA §3318, sub-§1, ¶B, as amended by PL 1987, c. 402, Pt. A, §113, is further amended to read:

B. Order that the juvenile be examined by a physician or psychologist and refer the juvenile to a suitable facility or program for the purpose of examination, the costs of such examination to be paid by the court. If the report of such an examination is that the juvenile is mentally ill or incapacitated to the extent that short-term or long-term hospitalization or institutional confinement is required, the ~~juvenile court~~ Juvenile Court shall initiate proceedings for voluntary or involuntary commitment as provided in section 101-B and in Title 34 ~~34-B, sections 2290 and 2333~~ chapter 3, subchapter IV. The court shall continue the proceedings when a juvenile is voluntarily or involuntarily committed.

Sec. 9. 34-B MRSA §1212, as amended by PL 1989, c. 487, §§16 and 17, is further amended to read:

§1212. State Forensic Service

1. Establishment and membership. The Commissioner of Mental Health and Mental Retardation shall establish a State Forensic Service and appoint its members. Members shall be psychiatrists and licensed clinical psychologists experienced in forensic service and not directly involved in the treatment of persons committed to the department under Title 15, chapter 5. These psychiatrists and ~~psychologist~~ psychologists may be employed by the department directly or as independent contractors.

2. Duties. The State Forensic Service shall have the following duties:

A. To perform examinations of the mental condition of a defendant ~~with reference to competency to stand trial and criminal responsibility under~~ pursuant to Title 15, section 101-B and to do the evaluations or examinations on behalf of any court of record, pursuant to agreement between the commissioner and the jurisdiction requesting that the evaluation be performed;

B. To perform examinations of the mental condition of persons committed to the custody of the commissioner under Title 15, section 103, for the purposes specified in Title 15, section 104-A; and

C. To perform examinations of the mental condition of persons pursuant to Title 22, chapter 250.

3. Professional education program. The State Forensic Service may establish and maintain a professional education program designed to assist licensed psychologists and psychiatrists in developing expertise in the forensic aspects of each profession, with emphasis on the assessment of competency, criminal responsibility and abnormal condition of mind under the laws of the State.

See title page for effective date.

CHAPTER 622

S.P. 786 - L.D. 2032

An Act Prohibiting Chlorofluorocarbons in Automobile Air Conditioners

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

38 MRSA §1606 is enacted to read:

§1606. Motor vehicle air conditioning

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Motor vehicle" has the same meaning as defined in Title 29, section 1, subsection 7.

B. "CFC" means any of the chlorofluorocarbon chemicals CFC-11, CFC-12, CFC-112, CFC-113, CFC-114, CFC-115 and CFC-502.

2. Service. After January 1, 1992, a person may not perform service on motor vehicle air conditioners for compensation, unless that person uses equipment that is certified by the Underwriters' Laboratories or an institution determined by the commissioner to be comparable, as meeting the Society of Automotive Engineers standard applicable to equipment for the extraction and reclamation of refrigerant from motor vehicle air conditioners.

3. Recordkeeping. After January 1, 1992, a commercial establishment servicing automobile air conditioners shall maintain records at the establishment of the following:

A. The number of automobile air conditioners serviced by the establishment;

B. The amount of CFC purchased by the establishment; and

C. The amount of CFC sold or used by the establishment.

The establishment shall maintain records for not less than 3 years and provide those records on request to the commissioner.

4. CFC coolant. After October 1, 1991, a person may not sell any CFC coolant in a container containing less than 15 pounds of that coolant, unless it bears a warning label indicating the product's danger to ozone in the stratosphere. After January 1, 1992, a person may sell or offer for sale CFC coolant, suitable for use in motor vehicle air conditioners, only:

A. For commercial or industrial use; or

B. In containers containing more than 15 pounds of that coolant.

5. Registration. A motor vehicle with a model year of 1994 or later may not be registered in the State or sold to a consumer or dealer in the State if it contains air conditioning equipment that uses CFCs.

See title page for effective date.

CHAPTER 623

H.P. 1349 - L.D. 1866

An Act to Amend the Law Concerning the Use of Replacement Motor Vehicles

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

14 MRSA §1454, as enacted by PL 1969, c. 263, is amended to read:

§1454. Cost of replacement motor vehicles

In any action where recovery is sought for the destruction or damage of a motor vehicle, the owner of such motor vehicle shall be entitled to recover reasonable rental costs actually expended for a replacement motor vehicle during such time, not to exceed ~~30~~ 45 days, as the damaged motor vehicle could not be operated or during such time, not to exceed ~~30~~ 45 days, as is required to obtain a replacement motor vehicle for the destroyed motor vehicle.

See title page for effective date.

CHAPTER 624

H.P. 1433 - L.D. 2001

An Act Regarding Maine Land Use Regulation Commission Requirements

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

Whereas, published notice of proposed land use zoning changes would make the Maine Land Use Regulation Commission's operations more efficient while reducing mailing costs; and

Whereas, landowners will continue to be notified in situations when a small number of parcels of land are affected by agency rule changes; 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:

12 MRSA §685-A, sub-§7, as amended by PL 1979, c. 497, §3, is further amended to read:

7. **Hearings and procedures.** Within 45 days after the proposed land use district boundaries or standards are prepared or received by the commission, the commission shall hold a public hearing at a time and place convenient to persons affected by the proposal.

At least 45 days prior to holding a public hearing on proposed land use district boundaries, the commission shall give notice of the hearing to the owners of directly affected lands by mail, according to their names and addresses as shown on the records of the Bureau of Taxation and plantation tax assessors or, if the number of owners of directly affected lands is more than 50, by publication as specified in this subsection.

That notice ~~shall~~ must state a citation of the statutory authority under which the maps or standards are pro-