

# 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.

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J.S. McCarthy Company  
Augusta, Maine  
1990

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**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**

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C. The addition of post-consumer materials causes the package or packaging component to exceed the maximum concentration levels set forth in section 1733, subsection 3.

For packages or packaging components exempted under paragraph A or B, a 2-year exemption may be granted and that exemption may be renewed for an additional 2 years. An exemption granted under paragraph C expires 4 years after the effective date of this chapter.

#### §1735. Certificate of compliance

A certificate of compliance is a document developed by a manufacturer and filed with the agency that attests that one or more packages or packaging components meets the standards established in section 1733 or is exempt under the provisions of section 1734. If compliance is achieved under the exemptions provided in section 1734, the certificate must state the specific basis upon which the exemption is claimed. A certificate of compliance must be signed by an authorized official of the manufacturer. A certificate of compliance may cover more than one type of package or packaging component as long as they are separately identified.

1. New or reformulated packaging. If the manufacturer reformulates or creates a new package or packaging component, the manufacturer shall provide the agency with an amended or new certificate of compliance for the reformulated or new package or packaging component.

2. Presentation of certificates. Each manufacturer shall furnish the agency with an original certificate of compliance and each manufacturer or supplier shall furnish, at the agency's request, copies of a certificate of compliance for distribution to the public.

#### §1736. Enforcement and penalties

1. Enforcement. The Department of Agriculture, Food and Rural Resources shall enforce the provisions of this chapter and may inspect, with the consent of the owner or agent, any property or building to accomplish the objectives of this chapter.

2. Violation. Any manufacturer or supplier that violates this chapter commits a civil violation for which a forfeiture of not more than \$100 may be adjudged. Each package or packaging component in violation constitutes the basis of a separate offense.

#### §1737. Rules

The agency shall adopt rules implementing the provisions of this chapter in consultation with the Department of Agriculture, Food and Rural Resources. Rules must be adopted in accordance with the Maine Administrative Procedure Act. No rule adopted pursuant to this

chapter may add or remove prohibitions on packaging or packaging components.

#### §1738. Public access

A citizen of the State may request in writing from the agency a copy of the certificate of compliance for a package or packaging component found in use or for sale in the State.

#### §1739. Effective date

This chapter takes effect April 1, 1992.

**Sec. 2. Agency rulemaking; assistance.** Prior to the effective date of the Maine Revised Statutes, Title 32, chapter 26-A, the Maine Waste Management Agency may adopt rules necessary to implement the provisions of this Act. The agency shall assist manufacturers and others that wish to comply with Title 32, section 1733, prior to its effective date.

**Sec. 3. State review.** The Maine Waste Management Agency shall, in consultation with the Source Reduction Council of the Coalition of Northeast Governors, review the effectiveness of the Maine Revised Statutes, Title 32, chapter 26-A, and shall develop a report based on that review. The report may contain recommendations to add other toxic substances contained in packaging to the list set forth in that chapter in order to further reduce the toxicity of packaging waste, and must contain recommendations whether to continue the recycling exemption provided in Title 32, section 1734, subsection 2, paragraph 3 and describe the nature of the elements used in lieu of lead, mercury, cadmium and hexavalent chromium. The agency shall issue its recommendations in a report submitted to the Governor and the Office of the Executive Director of the Legislative Council for transmittal to the Joint Standing Committee on Energy and Natural Resources by December 1, 1992.

See title page for effective date.

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## CHAPTER 850

H.P. 1721 - L.D. 2377

### **An Act to Reduce the Use of Marijuana and to Make Related Amendments to the Drug Laws**

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

**Sec. 1. 15 MRSA §3314, sub-§3-A is enacted to read:**

**3-A. Operator's license suspension for drug offenses.** The court may suspend for a period of 6 months the license or permit to operate, right to operate a motor vehicle and right to apply for and obtain a license of any

person who violates Title 17-A, chapter 45, or Title 22, section 2383, and is adjudicated pursuant to this chapter to have committed a juvenile crime.

The court shall give notice of suspension and take physical custody of an operator's license or permit as provided in Title 29, section 2241-H. The court shall immediately forward the operator's license and a certified abstract of suspension to the Secretary of State.

**Sec. 2. 17-A MRSA §1103, sub-§2, ¶A,** as amended by PL 1989, c. 344, §1, is further amended to read:

A. A Class B crime if the drug is a schedule W drug ~~or~~, if it is marijuana in a quantity of 20 pounds or more or if it is marijuana and the person grows or cultivates 500 or more plants;

**Sec. 3. 17-A MRSA §1103, sub-§2, ¶B,** as amended by PL 1977, c. 647, §2, is further amended to read:

B. A Class C crime if the drug is a schedule X drug ~~or~~, if it is marijuana in a quantity of more than 2 pounds or if it is marijuana and the person grows or cultivates 100 or more plants; or

**Sec. 4. 37-B MRSA §181, sub-§1-A** is enacted to read:

1-A. By proclamation of the Governor. For periods of up to one year, renewable unless withdrawn by subsequent executive order, the Governor by proclamation may order state military forces to active service to support federal drug enforcement operations under the National Defense Authorization Act of 1989 when members of the National Guard are not ordered to federal service.

See title page for effective date.

**CHAPTER 851**

**H.P. 1710 - L.D. 2361**

**An Act to Establish Guidelines and an Advisory Council for Continuous Telecommunications Relay Services for Deaf, Hearing Impaired or Speech Impaired Persons Who Must Rely on Special Telecommunications Equipment for Telecommunications**

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

**Whereas,** deaf, hearing impaired and speech impaired persons rely on teletypewriters to make telephone calls; and

**Whereas,** the only means for deaf, speech impaired and hearing impaired persons to engage in vocal

telephone communications is through telecommunications relay services; and

**Whereas,** the telecommunications relay service presently provided in Maine is limited in nature and should be upgraded; and

**Whereas,** without telephone relay services deaf, hearing impaired and speech impaired persons lack a primary means of obtaining fire, police, medical and other emergency services and obtaining information about and access to government programs and services; 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. 3 MRSA §927, sub-§7, ¶B,** as enacted by PL 1989, c. 483, Pt. A, §§4 and 62, is amended to read:

B. Independent agencies:

- (1) Maine Sardine Council;
- (2) Atlantic Sea Run Salmon Commission;
- (3) Public Utilities Commission;
- (4) Atlantic States Marine Fisheries Commission;
- (5) Maine Development Foundation;
- (6) Board of Directors, Maine Municipal and Rural Electrification Cooperative Agency;
- (7) Lobster Advisory Council;
- (8) Board of Environmental Protection; ~~and~~
- (9) Board of Underground Oil Storage Tank Installers; and
- (10) Telecommunications Relay Services Advisory Council.

**Sec. 2. 5 MRSA §12004-I, sub-§74-A-1** is enacted to read:

<u>74-A-1.</u>	<u>Telecom-</u>	<u>Not</u>	<u>35-A</u>
<u>Public Utilities</u>	<u>munica-</u>	<u>Authorized</u>	<u>MRSA</u>
	<u>tions</u>		<u>§8704</u>
	<u>Relay</u>		
	<u>Services</u>		
	<u>Advisory</u>		
	<u>Council</u>		