

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
OCTOBER 9, 1991

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  
1991

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

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**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

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Any person who violates any provisions of this chapter or rules of the Local Government Records Board promulgated under section 1705 is guilty of a Class ~~D~~ E crime.

See title page for effective date.

## CHAPTER 173

S.P. 222 - L.D. 549

### An Act to Exempt Certain Students from Eligibility for Unemployment Compensation Benefits

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

**26 MRSA §1043, sub-§11, ¶F**, as amended by PL 1987, c. 769, Pt. A, §106, is further amended by amending sub-¶(6-1) to read:

(6-1) Services performed by a student attending an elementary ~~or~~, secondary or postsecondary school while participating in a cooperative program of education and occupational training or on-the-job training that is part of the school curriculum;

See title page for effective date.

## CHAPTER 174

H.P. 287 - L.D. 408

### An Act to Protect the Health and Safety of Nuclear Waste Site Workers

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

**38 MRSA §1482, sub-§5** is enacted to read:

**5. Facility near existing nuclear power plant.** Before any low-level radioactive waste disposal facility is sited within the Primary Emergency Planning Zone established under Title 37-B, section 960, subsection 1, the Maine Low-level Radioactive Waste Authority, in conjunction with the Maine Emergency Management Agency, must develop and adopt a plan detailing how the safety of the facility's workers will be maintained in the event the Primary Emergency Planning Zone requires evacuation as a result of a nuclear power plant accident.

See title page for effective date.

## CHAPTER 175

H.P. 900 - L.D. 1297

### An Act Regarding Deer Hunting Apparel Requirements

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

**12 MRSA §7406, sub-§12**, as amended by PL 1985, c. 304, §16, is further amended to read:

**12. Hunting without hunter orange clothing.** A person is guilty of hunting without hunter orange clothing if ~~he~~ that person hunts with firearms during the open firearm season on deer and fails to wear an article of solid-colored hunter orange clothing which is in good and serviceable condition and which is visible from all sides, except that persons hunting waterfowl from a boat or blind or in conjunction with waterfowl decoys need not wear hunter orange clothing. The presence of a decal on an article of clothing that is otherwise solid-colored hunter orange does not disqualify that article of clothing from satisfying the requirements of this subsection.

See title page for effective date.

## CHAPTER 176

H.P. 614 - L.D. 874

### An Act Concerning the Judicial Review of Children in Custody of the Department of Human Services

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

**Sec. 1. 22 MRSA §4005-A, sub-§2**, as enacted by PL 1985, c. 424, is amended to read:

**2. Petition.** A foster parent may petition for standing and intervenor status in any child protection proceeding under this chapter regarding ~~his~~ a foster child, ~~provided that the child is living in the foster parent's home or in any child protection proceeding initiated within 10 days after the child is removed from or leaves the foster home that lives or has lived in the foster parent's home.~~ The standing and intervenor status is limited to that proceeding unless otherwise ordered by the court.

**Sec. 2. 22 MRSA §4035, sub-§4** is enacted to read:

**4. Final protection order.** The court shall issue a final protection order within 18 months of the filing of the child protection petition unless good cause is shown why the order should not be issued within that time period.

**Sec. 3. 22 MRSA §4038, sub-§7**, as amended by PL 1989, c. 270, §14, is further amended to read:

**7. Review of child in custody of the department.** When a child has been placed in the custody of the department, the following ~~shall~~ must be accomplished.

A. The court shall review the final protection order and make a determination within 18 months of its initial order either to:

- (1) Return the child to the parent;
- (2) Continue reunification efforts for a specific limited time not to exceed 6 months and to judicially review the matter within the time specified; or
- (3) Enter an order under section 4036, subsection 1, paragraph G-1.

The court may not order reunification efforts to continue under subparagraph (2) more than once unless all parties agree to the order to continue reunification.

B. Before the court may enter an order returning the custody of the child to a parent, the parent shall show that the parent has carried out the responsibilities set forth in section 4041, subsection 1, paragraph B, that, to the court's satisfaction, the parent has rectified and resolved the problems ~~which that~~ caused the removal of the child and any subsequent problems ~~which that~~ would interfere with the parent's ability to care for and protect the child from jeopardy and that the parent can protect the child from jeopardy.

C. When 2 placements with the same parent have failed and the child is returned to the custody of the department, the court shall enter an order under section 4036, subsection 1, paragraph G-1 unless the parent demonstrates that reunification should be continued.

See title page for effective date.

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## CHAPTER 177

S.P. 572 - L.D. 1526

### An Act to Amend the Reduction in Toxics in Packaging Laws

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

**Sec. 1. 32 MRSA §1734**, as enacted by PL 1989, c. 849, §1, is amended to read:

§1734. Exemptions

All packages and packaging components are subject to the provisions of section 1733 unless:

**1. Manufactured prior to effective date.** The package or packaging component has a code indicating a date of manufacture prior to the effective date of this section; ~~or~~

**2. Health and safety requirements; feasibility; post-consumer materials.** The manufacturer, supplier or distributor petitions the agency for an exemption for a particular package or packaging component and the agency grants an exemption for one or more of the following reasons.

A. The package or packaging component contains lead, cadmium, mercury or hexavalent chromium added in the manufacturing, forming, printing or distribution process in order to comply with health or safety requirements of state or federal law.

B. There is no feasible alternative to the use of lead, cadmium, mercury or hexavalent chromium in the package or packaging component. For the purposes of this section, "no feasible alternative" means a use in which the regulated substance is essential to the protection, safe handling or function of the package's contents.

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 : or

**3. Alcoholic beverages bottled prior to effective date.** The package or packaging component contains an alcoholic beverage bottled prior to April 1, 1992.

**Sec. 2. Effective date.** This Act takes effect April 1, 1992.

Effective April 1, 1992.

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## CHAPTER 178

S.P. 184 - L.D. 493

### An Act to Improve Consumer Access to Physical Therapy Services

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

**Sec. 1. 32 MRSA §453** is amended to read: