

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.

J.S. McCarthy Company
Augusta, Maine
1991

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

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ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

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.

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.

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: