

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

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

CHAPTER 415

H.P. 591 - L.D. 842

An Act to Modify the Ban on Plastic Rings and Other Plastic Holding Devices

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

Sec. 1. 7 MRSA §18, as enacted by PL 1989, c. 869, Pt. C, §1 and c. 876, Pt. B, §2, is repealed and the following enacted in its place:

§18. Connectors

1. Prohibition. After July 1, 1991, a person may not sell or offer to sell any product in containers connected by plastic rings or other plastic holding devices.

2. Exceptions. Notwithstanding subsection 1, a person may sell or offer to sell products in containers connected to each other with a plastic holding device that decomposes by photodegradation, chemical degradation or biodegradation within a reasonable period of time upon exposure to the elements and that:

A. Is designed or manufactured to be broken when a container is removed;

B. Breaks simultaneously with the removal of the container; or

C. Is approved for sale by the commissioner as an experimental device. The commissioner may approve a device as experimental under this paragraph only if the commissioner determines that the device conforms with the intent of this subsection. The commissioner shall notify in writing each member of the joint standing committee of the Legislature having jurisdiction over energy and natural resource matters immediately upon receiving a request for approval of an experimental device. Such notification must include the date the request was received, the name of the person or business requesting approval and a brief description of the device.

This subsection is repealed on July 1, 1992.

Sec. 2. 7 MRSA §19 is enacted to read:

§19. Holding of real estate

The commissioner may accept, hold, administer and retain interests in real estate in order to further the purposes of this Title.

Sec. 3. 38 MRSA §1607, as enacted by PL 1989, c. 878, Pt. G, §9, is repealed.

Sec. 4. Report. Those persons who are manufacturers or distributors of products sold in the State after July 1, 1991 in containers connected to each other with a plastic holding device under the provisions of the Maine Revised Statutes, Title 7, section 18, subsection 2, shall report to the Joint Standing Committee on Energy and Natural Resources by March 15, 1992. The report must include a description of actions taken by those persons to educate the public on the proper use and disposal of the plastic holding devices, a discussion of the feasibility of a deposit on plastic ring devices and a description of ongoing progress and further efforts in developing a plastic holding device that breaks simultaneously with the removal of the container. Subsequent to receipt of the report required by this section, the Joint Standing Committee on Energy and Natural Resources may report out a bill on the subject of plastic holding devices to the Second Regular Session of the 115th Legislature.

See title page for effective date.

CHAPTER 416

S.P. 561 - L.D. 1465

An Act Relating to Registration of Electrologists

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

Sec. 1. 32 MRSA §1221, sub-§§1-A and 2-A are enacted to read:

1-A. Electrologist. "Electrologist" means a person who practices electrology.

2-A. Electrolysis. "Electrolysis" means the process by which electrology is done.

Sec. 2. 32 MRSA §1231, as enacted by PL 1979, c. 87, §1, is repealed.

Sec. 3. 32 MRSA §1231-A is enacted to read:

§1231-A. Registration requirements

1. Requirements. Except as provided in section 1233, the department shall register any person under this chapter who:

A. Is at least 17 years of age;

B. Has a high school diploma or its equivalent; and

C. Passes an inspection under section 1243 within 60 days before that person is registered.

2. Exemption. A person who has a valid electrology license from the department as of January 1, 1991 is exempt from the requirements of subsection 1.

3. Reciprocity. Except as provided in section 1233 and notwithstanding the requirements of subsection 1, the department shall register any applicant under this chapter who provides the department with evidence that the applicant has 3 years of experience as an electrologist. That proof must consist of notarized copies of the license or registration issued by the state where the applicant last practiced electrology.

Sec. 4. 32 MRSA §1242, sub-§2, as enacted by PL 1979, c. 87, §1, is amended to read:

2. Practices of electrology. Rules governing the practice of electrology relating to training, health, safety, sanitation, equipment, electrolysis procedures and record keeping. ~~The department shall not adopt rules relating to personal qualification, including, but not limited to, a person's age, education, training, experience or residency.~~

Sec. 5. 32 MRSA §1243, as repealed and replaced by PL 1981, c. 703, Pt. A, §43, is amended to read:

§1243. Inspections

Upon any person's request and payment of a \$50 license fee, the department shall inspect that person's training, place of practice and equipment for compliance with the rules adopted by the department under this chapter. All fees collected by the department ~~shall~~ must be deposited in the General Fund.

See title page for effective date.

CHAPTER 417

H.P. 1186 - L.D. 1729

An Act Relating to the Maine Criminal Justice Commission

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

Sec. 1. 5 MRSA c. 316 is enacted to read:

CHAPTER 316

MAINE CRIMINAL JUSTICE COMMISSION

§3358. Maine Criminal Justice Commission

1. Establishment. In order to monitor and evaluate the State's criminal justice system on an ongoing basis and to provide recommendations regarding changes in that system to the appropriate state departments and the

Legislature, there is established, pursuant to Title 5, section 12004-J, subsection 10, an independent commission known as the Maine Criminal Justice Commission.

2. Composition. The commission consists of 25 members appointed as follows:

A. Two members from the Senate appointed by the President of the Senate;

B. Three members from the House of Representatives appointed by the Speaker of the House of Representatives;

C. One member from the Juvenile Justice Advisory Group appointed by the Governor;

D. One member from the Criminal Law Advisory Commission appointed by the Attorney General;

E. The Attorney General or the Attorney General's designee;

F. The Commissioner of Corrections or the commissioner's designee;

G. The Commissioner of Public Safety or the commissioner's designee;

H. The Director of the Maine Criminal Justice Academy or the director's designee;

I. One member from the Maine Chiefs of Police Association appointed by the Governor;

J. One member from the Maine Sheriffs' Association appointed by the Governor;

K. One member from the Maine Prosecutors Association appointed by the Governor;

L. One attorney experienced in criminal defense appointed by the Governor;

M. One member from the faculty of the University of Maine School of Law appointed by the Governor;

N. One member representing the Maine Correctional Advisory Commission appointed by the Governor; and

O. Eight other persons appointed by the Governor, consisting of:

(1) One member representing the Governor's office;

(2) One full-time nonadministrative employee from the Department of Corrections;