

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

SECOND SPECIAL SESSION

December 12, 1991 to January 7, 1992

SECOND REGULAR SESSION

January 8, 1992 to March 31, 1992

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SECOND REGULAR SESSION
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PUBLISHED BY THE REVISOR OF STATUTES
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J.S. McCarthy Company
Augusta, Maine
1992

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

a guardian is not legally obligated to provide from his the guardian's own funds for the ward and is not liable to 3rd persons by reason of the parental relationship for acts of the ward. In particular, and without qualifying the foregoing, a guardian has the following powers and duties:

Sec. 3. 18-A MRSA §5-209, sub-§§(b) and (d), as enacted by PL 1979, c. 540, §1, are amended to read:

(b) He The guardian may receive money payable for the support of the ward to the ward's parent, guardian or custodian under the terms of any statutory benefit or insurance system, or any private contract, devise, trust, conservatorship or custodianship. He The guardian also may receive money or property of the ward paid or delivered by virtue of section 5-103. Any sums so received shall must be applied to the ward's current needs for support, care and education. He The guardian must exercise due care to conserve any excess for the ward's future needs unless a conservator has been appointed for the estate of the ward, in which case excess shall must be paid over at least annually to the conservator. Sums so received by the guardian are not to be used for compensation for his the guardian's services except as approved by order of court or as determined by a duly appointed conservator other than the guardian. If there is no conservator, the excess funds must be turned over to the minor when the minor attains majority. A guardian may institute proceedings to compel the performance by any person of a duty to support the ward or to pay sums for the welfare of the ward.

(d) A guardian must report the condition of his the ward and of the ward's estate which has been subject to his that guardian's possession or control, as ordered by court on petition of any person interested in the minor's welfare or as required by court rule. If the guardian has received any funds pursuant to section 5-103, the guardian shall account to the court and the minor regarding how the funds were expended prior to the termination of that person's responsibilities as guardian.

Sec. 4. 18 MRSA §5-419, sub-§(a), as enacted by PL 1985, c. 440, §§12 and 13, is amended to read:

(a) Every conservator must account to the court for his the administration of the trust as specified by the court at the time of the initial order or at the time of a subsequent order or as provided by court rule and upon his resignation or removal. On termination of the protective protected person's minority or disability, a conservator may account to the court or he may account to the former protected person or his that person's personal representative. Prior to the termination of the protected person's minority and the termination of any extension ordered pursuant to section 5-408, paragraph (6), the conservator must account to the court and the protected person.

Sec. 5. 33 MRSA §1670, sub-§5 is enacted to read:

5. Accounting required at termination. Prior to the termination of the custodian's responsibilities, the custodian shall account to the court and the minor.

See title page for effective date.

CHAPTER 642

S.P. 519 - L.D. 1397

An Act to Establish a Seasonal Permit for the Sale of Deer Hides

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

12 MRSA §7352-A is enacted to read:

§7352-A. Special hide dealer's license

1. Issuance. The commissioner may issue a special hide dealer's license to any person who maintains a place of business for the butchering of wild animals within this State. The special hide dealer's license permits a holder commercially to sell or barter the heads or untanned hides of deer or moose that are butchered in the license holder's place of business.

2. Expiration. All licenses issued under this section are valid for a period commencing October 1st and ending December 31st of the year in which the license is issued.

3. Fee. The annual fee for a special hide dealer's license is \$10.

4. Restrictions. Each licensee shall keep a true and complete record, in such form as is required by the commissioner, of all hides bartered or sold.

The record must be open for inspection by the commissioner or the commissioner's agent, and must be filed with the commissioner, after being notarized, on or before February 1st of the following year.

See title page for effective date.

CHAPTER 643

H.P. 1427 - L.D. 2039

An Act to Clarify the Status of Wood Yard Debris

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

Sec. 1. 38 MRSA §1304, sub-§16 is enacted to read:

16. Wood yard debris. The provisions of this chapter do not apply to soil containing incidental bark or woody material generated during the transport, handling or storage of logs prior to processing. For the purposes of this section, "processing" is defined to include the debarking, chipping and sawing of wood.

See title page for effective date.

CHAPTER 644

H.P. 1435 - L.D. 2047

An Act to Clarify the Extension of the Municipal Landfill Closure Deadline and to Extend the Rule-making Deadline for Labeling of Recycled and Reused Products

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

Whereas, municipalities are experiencing financial stress associated with closing and remediating existing landfills and in developing alternative solid waste disposal arrangements; and

Whereas, municipalities need additional time to plan for and implement landfill closure programs and to establish substitute solid waste disposal arrangements; and

Whereas, there are insufficient state resources available to reimburse municipalities for the costs of landfill closure and remediation; 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. 38 MRSA §1310-N, sub-§6, as amended by PL 1991, c. 622, Pt. X, §14, is further amended to read:

6. Terms and compliance schedules. Licenses are issued under the terms and conditions as the department may prescribe, and for a term not to exceed 5 years. The department may establish reasonable time schedules for compliance with this article and rules adopted by the board. Notwithstanding any rules adopted pursuant to

this section, licensed or unlicensed ~~but operating pursuant to a consent agreement~~ municipal solid waste landfills ~~in existence prior to October 3, 1973 operating on December 31, 1991~~ may continue to operate ~~up to until~~ December 31, 1992, unless the commissioner finds that continued operation of a landfill poses an immediate hazard to the public health or the environment, including without limitation, a threat to a public or private water supply.

Sec. 2. 38 MRSA §2141, first ¶, as enacted by PL 1991, c. 463, is amended to read:

By February 1, ~~1992~~ 1993, the agency shall adopt rules establishing a waste reduction and recycling labeling program. The rules must include recycling emblems, standards for the use of the recycling emblems and standards for the use of the terms "reusable," "recyclable," "recycled" and "recycled content." To the fullest extent possible, emblems and standards adopted by the agency under this section must be consistent with emblems and standards adopted by the Northeast Recycling Council of the Council of State Governments and standards adopted by other northeastern states.

Sec. 3. 38 MRSA §2141, as enacted by PL 1991, c. 463, is amended by adding after the first paragraph a new paragraph to read:

By January 1, 1993, the agency shall report to the joint standing committee of the Legislature having jurisdiction over energy and natural resources matters on rule-making activities undertaken pursuant to this section.

Sec. 4. 38 MRSA §2141, sub-§1, as enacted by PL 1991, c. 463, is amended to read:

1. Applicability. After July 1, ~~1992~~ 1993, a person may not use the recycling emblem or the terms "reusable," "recyclable," "recycled" and "recycled content" on a package or product that is sold or offered for sale, or in the promotion or advertisement of a package or product, unless that package or product conforms to the standards in the labeling program adopted by the agency under this section.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective March 4, 1992.

CHAPTER 645

H.P. 1521 - L.D. 2146

An Act to Institute Conformity to the Low-cost Drug Program