

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

~~tally or emotionally handicapped have physical, mental or emotional disabilities~~ or who by virtue of age, sibling relationship, race or the presence of a medical condition otherwise ~~may~~ might not be adopted and for whom reasonable but unsuccessful efforts have been made to place the child without adoption assistance. The Department of Human Services may, subject to rules adopted by the department and regulations of the federal Department of Health and Human Services, reimburse adoptive parents for nonrecurring expenses related to the adoption of children who have physical, mental or emotional disabilities or who by virtue of age, sibling relationship, race or presence of a medical condition otherwise might not be adopted and for whom reasonable but unsuccessful efforts have been made to place the child without such assistance. The Department of Human Services is authorized to use funds for this purpose ~~which are~~ appropriated for child welfare services and funds under ~~Title IV-E and Title IV-B~~ of the United States Social Security Act, Titles IV-B and IV-E, subject to rules adopted by the department and regulations of the federal Department of Health and Human Services.

See title page for effective date.

CHAPTER 711

S.P. 859 - L.D. 2183

An Act to Clarify Adult Protective and Guardianship Responsibilities

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

Sec. 1. 22 MRSA §3471, first ¶, as enacted by PL 1981, c. 527, §2, is amended to read:

The Legislature recognizes that many adult citizens of the State, because of incapacitation or dependency, are unable to manage their own affairs or to protect themselves from abuse, neglect; or exploitation or physical danger. Often these persons cannot find others able or willing to render assistance. The Legislature intends, through this Act, to establish a program of protective services designed to fill this need and to assure its availability to all incapacitated and dependent adults who are faced with abuse, neglect, exploitation or physical danger the substantial risk of abuse, neglect or exploitation. It is also the intent of the Legislature to authorize only the least possible restriction on the exercise of personal and civil rights consistent with the person's need for services and to require that due process be followed in imposing those restrictions.

Sec. 2. 22 MRSA §3473, sub-§1, ¶¶A and B, as enacted by PL 1981, c. 527, §2, are amended to read:

A. Protect abused, neglected or exploited incapacitated and dependent adults and incapacitated

and dependent adults in circumstances which present a substantial risk of abuse, neglect or exploitation;

B. Prevent ~~further~~ abuse, neglect or exploitation;

Sec. 3. 22 MRSA §3473, sub-§2, ¶A, as enacted by PL 1981, c. 527, §2, is amended to read:

A. Receive, promptly investigate and determine the validity of reports of alleged abuse, neglect or exploitation or the substantial risk of abuse, neglect or exploitation;

Sec. 4. 22 MRSA §3473, sub-§3, ¶¶A and B, as enacted by PL 1989, c. 858, §5, are amended to read:

A. Matters relating to the performance of duties in uncontested guardianship, conservatorship or termination of guardianship or conservatorship proceedings; and

B. Requests for emergency guardianships arising from the need for emergency medical treatment or placement in adult foster homes, boarding homes or nursing homes or for orders necessary to apply for or preserve an estate in emergency situations.

Sec. 5. 34-B MRSA §1204, sub-§7, ¶¶A and B, as enacted by PL 1989, c. 265, §2, are amended to read:

A. Matters relating to the performance of duties in uncontested guardianship, conservatorship or termination of guardianship or conservatorship proceedings; and

B. Requests for emergency guardianships arising from the need for emergency medical treatment or placement in adult foster homes, boarding homes or nursing homes or for orders necessary to apply for or preserve an estate in emergency situations.

See title page for effective date.

CHAPTER 712

H.P. 1558 - L.D. 2196

An Act to Strengthen the Maine Weights and Measures Law

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

Sec. 1. 10 MRSA §2402, sub-§17, as enacted by PL 1973, c. 91, §5, is amended to read:

17. Standards to enforcement. Prescribe the standards of weight and measure ~~and~~ additional equipment;

and methods of test and inspection to be employed in the enforcement of this chapter. The state sealer may prescribe or provide, or both, the official test and inspection forms to be used in the enforcement of this chapter; and

Sec. 2. 10 MRSA §2402, sub-§18 is enacted to read:

18. Registration of commercial motor fuel dispensers. Accept applications for the registration of motor fuel dispensers in accordance with section 2412.

Sec. 3. 10 MRSA §2412 is enacted to read:

§2412. Registration of motor fuel dispensers

It is unlawful to sell motor fuel from a commercial motor fuel dispenser without a certificate of registration.

1. Certificate of registration. The state sealer shall provide application forms and shall issue a certificate of registration upon receipt of a completed application accompanied by a fee of \$8 per dispensing nozzle. A certificate of registration expires annually on December 31st.

2. Local sealers account. The state sealer shall deposit all fees from applicants with commercial dispensers in municipalities with duly appointed local sealers into a separate, nonlapsing account, known as the local sealers account. The state sealer shall deposit all other fees received under this section into the General Fund.

3. Payment from local sealers account. Upon receiving verification from a local sealer that a registered fuel dispenser has been inspected and conforms to standards established for fuel dispensers, the state sealer shall pay to the local sealer \$8 per nozzle.

4. No additional fee. A state or local sealer may not assess a fee for periodic testing and sealing of retail motor fuel dispensers.

Sec. 4. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

1992-93

AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF

Consumer Services - Agriculture

All Other \$35,200

Provides funds to local sealers as reimbursement for fuel dispenser inspections.

Sec. 5. Effective date. This Act takes effect January 1, 1993.

Effective January 1, 1993.

CHAPTER 713

S.P. 866 - L.D. 2213

An Act to Amend Child Labor Laws

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

Whereas, the Legislature recently enacted legislation restricting the work hours of certain minors; and

Whereas, that legislation has made it difficult for employers to fill Friday shifts; and

Whereas, certain minors should be allowed to work additional hours on days that do not precede a scheduled school day; 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. 26 MRSA §774, sub-§1, ¶D, as enacted by PL 1991, c. 544, §5, is amended to read:

D. More than 4 hours in any day when school is in session, except that the minor may work up to 8 hours on the last scheduled day of the school week;

Sec. 2. 26 MRSA §774, sub-§3, ¶A, as enacted by PL 1991, c. 544, §5, is amended to read:

A. This subsection does not apply to:

(1) A minor who has been excused from attendance by school officials in accordance with Title 20-A, section 5001-A, subsection 2 or subsection 3, except that a minor who has been excused in accordance with subsection 3 may not be employed during the hours that the minor's school or approved home instruction program is in session;

(2) A student in an alternative education plan that includes a work experience component;