

# 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

THE GENERAL EFFECTIVE DATE FOR  
SECOND REGULAR SESSION  
NON-EMERGENCY LAWS IS  
JUNE 30, 1992

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  
1992

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

**AS PASSED AT THE**  
**SECOND REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

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tional and publicity components that seek to maximize consumer participation in the system.

### **§2166. Rechargeable consumer products**

**1. Nonremoveable battery requirements.** A person may not sell, distribute or offer for sale in this State any product powered by a rechargeable battery primarily used or purchased to be used for personal, family or household purposes unless:

A. The battery may be easily removed by the consumer or is contained in a battery pack that is separate from the product and may be easily removed; and

B. The product, the battery itself and the package containing the product are all labeled, in a manner that is clearly visible to the consumer, indicating that the battery must be recycled or disposed of properly and that the type of electrode used in the battery is clearly identifiable.

**2. Exemption.** The executive director may exempt products from the provisions of this section upon application from the manufacturer if, in the executive director's judgment, the product can not reasonably be redesigned and manufactured to comply with this section or, if redesigned, results in significant danger to public health and safety.

**3. Effective date.** Except as otherwise indicated, this section takes effect January 1, 1994.

**4. Penalty.** A violation of this section is a civil violation for which a forfeiture of not more than \$100 per battery sold, distributed or offered for sale may be adjudged. Each day that a violation continues or exists constitutes a separate offense.

**Sec. 3. Waste paint report.** By July 1, 1993, the agency, in cooperation with manufacturers and wholesalers of paint and coating sold within the State shall develop a plan for a comprehensive system for the collection, recovery, recycling, reuse, treatment or disposal of unused paint and coatings and their containers sold at retail within the State. The plan must describe the responsibilities of those manufacturers and wholesalers. Any system developed must include an educational and publicity component that seeks to maximize consumer participation in the system.

**Sec. 4. Costs not funded.** Notwithstanding the Maine Revised Statutes, Title 30-A, section 5684, any requirements of this Act that result in additional costs to local or county government are not state mandates subject to that section and the State is not required to fund those costs.

See title page for effective date.

## **CHAPTER 809**

**H.P. 1652 - L.D. 2315**

### **An Act to Ensure Continuing Knowledge of the Identity and Whereabouts of Convicted Sex Offenders**

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

**Sec. 1. 34-A MRSA c. 11 is enacted to read:**

#### **CHAPTER 11**

#### **SEX OFFENDER REGISTRATION ACT**

##### **§11001. Short title**

This chapter may be known and cited as the "Sex Offender Registration Act."

##### **§11002. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Agency.** "Agency" means an institution or department that has custody or jurisdiction over a sex offender. Agency includes county jails, state prisons, the Department of Corrections, the Maine Youth Center and detention facilities.

**2. Sex offender.** "Sex offender" means an individual convicted of gross sexual assault if the victim had not attained the age of 16 years at the time of the crime.

##### **§11003. Registration of sex offenders**

**1. Duty to register.** A sex offender who is sentenced to probation, discharged or discharged under supervision from a state or county correctional facility shall, within 15 calendar days after being sentenced to probation, discharge or discharge under supervision, register that person's current address with the Department of Public Safety, State Bureau of Identification.

This registration requirement remains in effect for 15 years from the date of:

A. Sentencing if no period of incarceration is to be served; or

B. Discharge or discharge under supervision from any state or county correctional facility.

**2. Notice of duty to register.** The agency that has jurisdiction over a sex offender required to register under this chapter or the court shall, prior to discharge or

at the time of sentencing, inform the sex offender of the duty to register under subsection 1.

**3. Change of address.** If a sex offender required to register under this chapter changes address, that person shall register the new address with the State Bureau of Identification within 5 days of moving to the new address.

**4. Waiver of registration.** Registration may be waived only if:

A. The conviction is vacated;

B. A full and free pardon is granted;

C. A certificate of rehabilitation is issued by a licensed counselor certified by the Forensic Evaluation Unit at the Department of Mental Health and Mental Retardation who deals with sex offenders; or

D. The sentencing court, for good cause shown, waives the registration requirement.

**5. Violation.** A person who fails to register or update the information required under this chapter is guilty of a Class E crime.

#### **§11004. Access to records**

The Criminal History Record Information Act, Title 16, chapter 3, subchapter VIII governs access to records maintained under this chapter.

**Sec. 2. Costs not funded.** Notwithstanding the Maine Revised Statutes, Title 30-A, section 5684, any requirements of this Act that result in additional costs to local or county government are not state mandates subject to that section and the State is not required to fund those costs.

See title page for effective date.

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## **CHAPTER 810**

**H.P. 1584 - L.D. 2234**

### **An Act to Protect Children from Lead Poisoning**

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

**Sec. 1. 22 MRSA §1314-A** is enacted to read:

#### **§1314-A. Goal**

The goal of the State in the area of lead poisoning is to eradicate childhood lead poisoning by the year 2010

through the elimination of potential sources of environmental lead. By January 1, 1997, the department shall submit a report to the joint standing committee of the Legislature having jurisdiction over human resource matters regarding progress made toward this goal. The report must include any recommendations the department may have to revise the goal, along with any necessary legislation.

**Sec. 2. 22 MRSA §1315, sub-§1**, as amended by PL 1975, c. 293, §4, is repealed.

**Sec. 3. 22 MRSA §1315, sub-§§1-A and 1-B** are enacted to read:

**1-A. Child; children.** "Child" or "children" means a person or persons up to 6 years of age.

**1-B. Children's home.** "Children's home," as defined in section 8101, means a children's home, emergency shelter, family foster home, residential child care facility or specialized children's home.

**Sec. 4. 22 MRSA §1315, sub-§2**, as enacted by PL 1973, c. 367, is amended to read:

**2. Dwelling.** "Dwelling" means a structure, all or part of which is designed or used for human habitation, including a dwelling unit.

**Sec. 5. 22 MRSA §1315, sub-§§3-A to 3-C** are enacted to read:

**3-A. Environmental lead hazard.** "Environmental lead hazard" means the presence of lead in any form that exceeds the permissible concentration and that exists in an unacceptable condition. "Permissible concentration" and "unacceptable condition" are defined by rules adopted by the department. "Environmental lead hazard" may include, but is not limited to, lead in dust, paint, soil or water.

**3-B. Environmental lead inspection.** "Environmental lead inspection" means an assessment performed by a lead inspector to identify lead-based substances.

**3-C. Environmental lead investigation.** "Environmental lead investigation" means a detailed and extensive investigation to determine the cause of a confirmed case of lead poisoning in a child.

**Sec. 6. 22 MRSA §1315, sub-§4**, as enacted by PL 1973, c. 367, is repealed.

**Sec. 7. 22 MRSA §1315, sub-§§4-A to 4-F** are enacted to read:

**4-A. Health care provider.** "Health care provider" means a physician, clinic, hospital, health maintenance organization, home health agency, private clinical labo-