

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE  
ONE HUNDRED AND FIFTEENTH LEGISLATURE

**THIRD SPECIAL SESSION**  
October 1, 1992 to October 6, 1992

**FOURTH SPECIAL SESSION**  
October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

**FIRST REGULAR SESSION**  
December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR  
FIRST REGULAR SESSION  
NON-EMERGENCY LAWS IS  
OCTOBER 13, 1993

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  
1993

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

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**1993**

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**Whereas**, prior to the effective date of Public Law 1993, chapter 355, the incineration of hazardous and biomedical waste and waste oil was defined under state law as a method of disposal and was not considered a form of treatment; and

**Whereas**, Public Law 1993, chapter 355 changed those definitions to include incineration of hazardous waste and waste oil as a form of treatment; and

**Whereas**, the implications of that change for hazardous waste management may be more extensive than previously realized; and

**Whereas**, the reference to biomedical waste was inadvertently omitted; 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 §1303-C, sub-§12**, as amended by PL 1993, c. 355, §46, is further amended to read:

**12. Disposal.** "Disposal" means the discharge, deposit, dumping, spilling, leaking or placing of any hazardous, biomedical or solid waste, waste oil, refuse-derived fuel, sludge or septage into or on any land, air or water and the incineration of any hazardous or solid waste, refuse-derived fuel, sludge or septage so that the hazardous, biomedical or solid waste, waste oil, refuse-derived fuel, sludge or septage or any constituent thereof may enter the environment or be emitted into the air, or discharged into any waters, including ground waters.

**Sec. 2. 38 MRSA §1303-C, sub-§39**, as amended by PL 1993, c. 355, §47, is further amended to read:

**39. Treatment.** "Treatment" means any process ~~including but not limited to incineration~~ designed to change the character or composition of any hazardous waste ~~or waste oil, as defined in rules adopted under section 1319-O, subsection 2~~; so as to render the waste less hazardous. "Treatment" also means any process ~~including but not limited to incineration~~ designed to change the character of composition of any waste oil, as defined in rules adopted under section 1319-O, subsection 2, or biomedical waste so as to render the waste less hazardous.

**Sec. 3. Retroactivity.** This Act takes effect retroactively to June 16, 1993.

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

Effective July 12, 1993.

## CHAPTER 425

### H.P. 425 - L.D. 544

#### An Act Regarding Missing Children

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

**Whereas**, the model federal statute on missing children was enacted in 1982; and

**Whereas**, only 8 states have not enacted similar legislation; 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. 25 MRSA §2151**, as amended by PL 1991, c. 201, is repealed.

**Sec. 2. 25 MRSA §§2152 to 2156** are enacted to read:

#### §2152. Short title

This chapter may be known and cited as the "Missing Children Act."

#### §2153. Definitions

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

**1. Clearinghouse.** "Clearinghouse" means the Missing Children Information Clearinghouse established pursuant to section 2155.

**2. Commissioner.** "Commissioner" means the Commissioner of Public Safety.

**3. Department.** "Department" means Department of Public Safety.

**4. Director.** "Director" means the Director of the Missing Children Information Clearinghouse.

**5. Missing child.** "Missing child" means an individual:

- A. Who is under 18 years of age;
- B. Whose temporary or permanent residence is in or is believed to be in this State;
- C. Whose location is not determined; and
- D. Who has been reported as missing to a law enforcement agency.

**6. Missing child report.** "Missing child report" means a report prepared on a form designated by the department for use by private citizens and law enforcement agencies to report information about missing children to the clearinghouse.

#### **§2154. Missing child reports**

**1. Duty of law enforcement agency.** Upon the filing of a missing child report by the child's parents, guardian or legal custodian, the law enforcement agency receiving written notification shall immediately:

- A. Inform all on-duty law enforcement officers of the missing child report;
- B. Communicate the report to every other law enforcement agency having jurisdiction in the county in which the report was filed;
- C. Transmit the report for inclusion in the State Police computer files on missing children; and
- D. Submit information in the missing child report to the clearinghouse.

**2. Report status.** A missing child report filed with a law enforcement agency having jurisdiction is sufficient documentation for entering a juvenile in the missing persons file maintained by the clearinghouse and the National Crime Information Center or its successor.

**3. Parental kidnapping.** In the case of parental kidnapping, the law enforcement agency shall obtain, when possible, a certified copy of the custody papers from the reporting parent, guardian or legal custodian.

#### **§2155. Missing Children Information Clearinghouse**

**1. Establishment; purpose.** The Missing Children Information Clearinghouse is established within the department as a central repository of information regarding missing children. That information must be collected and disseminated.

**2. Commissioner; duties.** The commissioner shall appoint a director who shall supervise the clearinghouse. The commissioner shall establish services determined appropriate to aid in the location of missing children.

**3. Director; duties.** The director shall:

- A. Establish a system of intrastate communication of information related to missing children who are determined missing by their parents, guardians, legal custodians or by a law enforcement agency;
- B. Provide a centralized file for the exchange of information on missing children within the State;
- C. Interface with the National Crime Information Center, or its successor, for the exchange of information; and
- D. Collect, process, maintain and disseminate information on missing children and strive to maintain or disseminate accurate and complete information.

**4. Receipt of reports.** A law enforcement agency shall submit to the clearinghouse information received by the law enforcement agency pursuant to section 2154. Any parent or legal guardian may submit a missing child report to the clearinghouse regardless of the circumstances, subsequent to reporting the child missing to the appropriate law enforcement agency within the county in which the child became missing. The report must be included in the clearinghouse data base.

#### **§2156. Location of child**

**1. Notification.** The parent, guardian or legal custodian who is responsible for notifying the clearinghouse or a law enforcement agency about a missing child shall immediately notify the clearinghouse or the agency of any child whose location has been determined.

**2. Purging.** Information received about a missing child pursuant to section 2154 that has been included in the clearinghouse must be purged from the data base by the appropriate law enforcement agency immediately upon location of the child.

**Sec. 3. Allocation.** The following funds are allocated from the Federal Expenditure Fund to carry out the purposes of this Act.

1993-94

**PUBLIC SAFETY, DEPARTMENT OF****State Police**

Positions	(0.5)
Personal Services	\$14,128
All Other	3,000

Provides funds in fiscal year 1993-94 for a part-time Clerk Typist II position and general operating expenses to collect and disseminate information as part of the Missing Children Information Clearinghouse.

**DEPARTMENT OF PUBLIC SAFETY  
TOTAL**

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\$17,128

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

Effective July 13, 1993.

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**CHAPTER 426****S.P. 41 - L.D. 53****An Act to Improve Access to Maine's  
Veterans' Homes**

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

**Whereas,** the Maine Veterans' Home and the Department of Human Services are in the process of obtaining federal funds and determining the need for and location of additional veterans' homes; and

**Whereas,** a change in the implementing law is necessary to permit greater geographic diversity in the location of veterans' homes; and

**Whereas,** this change must be effective sooner than 90 days after this legislative session in order to be taken into consideration during the approval process; 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. 37-B MRSA §601,** as amended by PL 1991, c. 702, §1, is further amended to read:

**§601. Home established; purpose**

There must be public homes for veterans in Maine known as "Maine Veterans' Homes." In addition to the ~~presently~~ existing home located in Augusta, a 120-bed home located in southern Maine, a home; not to exceed 60 beds; located in Aroostook County, a home located in ~~eastern Maine Bangor~~ not to exceed 120 beds and a home located in ~~western Maine South Paris~~ not to exceed ~~120~~ 90 beds may be constructed if federal Veterans' Administration funds are available to meet part of the costs of each facility for construction or operation. In addition, a home located in Machias not to exceed 60 beds may be constructed if federal Veterans' Administration funds or funds from any other state, federal or private source are available to meet part of the costs of the facility for construction or operation, except that the Machias home may not begin operation prior to July 1, 1995 and the construction and funding of the Machias home may not in any way jeopardize the construction, funding or financial viability of any other home. The board of trustees shall plan and develop these additional homes and may use any funds available for those purposes, except for the Augusta facility's funded depreciation account. The primary purpose of the homes is to provide support and care for honorably discharged veterans who served in the United States Armed Forces during wartime, including the Korean Conflict and the Vietnam War.

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

Effective July 13, 1993.

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**CHAPTER 427****H.P. 787 - L.D. 1060****An Act Concerning Rights and Privileges for  
Maine Veterans of the Persian Gulf War**

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

**Sec. 1. 5 MRSA §7054, sub-§1, ¶D,** as enacted by PL 1985, c. 785, Pt. B, §38, is amended to read:

D. "War, campaign or expedition" means any of the following periods:

- (1) April 6, 1917; to November 10, 1918;
- (2) December 7, 1941; to September 1, 1945;
- (3) June 27, 1950; to January 31, 1955; and