

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 1994 to June 30, 1995

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 29, 1995

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
1995

2. Timing of payment. The payment must be made before the date any retirement benefit becomes effective for the member.

3. Method of payment. The payment must be made to the retirement system by a single direct payment or by annual direct payments. Annual payments must be made as provided in section 17701, subsection 4.

4. Amount of payment. The amount of payment must be the amount that, together with regular interest on that amount, is the actuarial equivalent, at the effective date of the retirement benefit, of the portion of the retirement benefit based on the additional creditable service. Additional amounts paid under this section become part of the member's accumulated contributions.

Sec. 4. 5 MRSA §17753, as repealed and replaced by PL 1989, c. 95, §5, is amended to read:

§17753. Service credit for back contributions

Upon complete payment of the back contributions under section 17704 ~~or 17704-A~~, the member ~~shall~~ must be granted service credit for the period of time for which the contributions have been made. Upon making partial payment of the back contributions under section 17704 ~~or 17704-A~~, the member ~~shall~~ must be granted service credit on a pro rata basis in accordance with rules adopted by the board.

See title page for effective date.

CHAPTER 181

S.P. 372 - L.D. 1049

**An Act to Amend the Law
Concerning the Pricing of
Discontinued and Test-market
Liquor Items**

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

Sec. 1. 28-A MRSA §1651, sub-§2, ¶C, as amended by PL 1991, c. 780, Pt. Y, §130, is further amended to read:

C. Notwithstanding the other provisions of this section, with approval of the Commissioner of Administrative and Financial Services, the commission may reduce the price of discontinued items of liquor. The reduced price may not be less than the actual cost of the discontinued liquor items ~~and the commission may not discontinue an item for a period of at least 6 months~~

~~after that item has been listed and on sale in state liquor stores.~~

Sec. 2. 28-A MRSA §1651, sub-§2, ¶G is enacted to read:

G. Notwithstanding the other provisions of this section, the commission may reduce, at the expense of the broker or supplier, the price of those test-market items that fail to meet set minimum gross profit standards after a 3-month period.

See title page for effective date.

CHAPTER 182

S.P. 460 - L.D. 1256

**An Act to Permit Wire-tapped
Conversations of or with Prisoners to
be Used in Court**

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

Sec. 1. 15 MRSA §712, sub-§2, ¶B, as enacted by PL 1987, c. 680, §5, is amended to read:

B. Notice of the possibility of interception is ~~posted in a place and provided~~ in a way sufficient to make ~~that person~~ the parties to the communication aware of the possibility of interception; and

Sec. 2. 15 MRSA §713, as amended by PL 1983, c. 379, is further amended to read:

§713. Evidence

The contents of an interception ~~shall are~~ not be admissible in court, except that the contents of an interception of any oral or wire communication ~~which~~ that has been legally obtained under the laws of another jurisdiction in which the interception occurred, ~~shall be or that has been legally obtained~~ pursuant to section 712, subsection 2 is admissible in the courts of this State, subject to the Maine Rules of Evidence.

See title page for effective date.

CHAPTER 183

H.P. 710 - L.D. 967

**An Act to Amend the Adult
Protective Services Act to Allow
Referrals of Cases of Abuse, Neglect**

**and Exploitation to Law
Enforcement Agencies**

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

Sec. 1. 22 MRSA §3485, as amended by PL 1989, c. 259, §7, is further amended to read:

§3485. Reporting abuse

Upon finding evidence indicating that a person has abused or neglected an incapacitated or dependent adult, resulting in serious harm, or has exploited an incapacitated or dependent adult, the department shall notify the district attorney or law enforcement agency.

See title page for effective date.

CHAPTER 184

H.P. 766 - L.D. 1040

**An Act to Amend the Toxics in
Packaging Law**

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

Sec. 1. 32 MRSA §1732, sub-§§2-A and 2-B are enacted to read:

2-A. Incidental presence. "Incidental presence" means the presence of a regulated metal as an unintended or undesired ingredient of a package or packaging component.

2-B. Intentional introduction. "Intentional introduction" means the act of deliberately using a regulated metal in the formation of a package or packaging component when its continued presence is desired in the final package or packaging component to provide a specific characteristic, appearance or quality.

The use of a regulated metal as a processing agent or intermediate to impart certain chemical or physical changes during manufacturing, when the incidental retention of a residue of the metal in the final package or packaging component is neither desired nor deliberate, is not considered intentional introduction for the purposes of this chapter.

The use of recycled materials as feedstock for the manufacture of new packaging materials, when a portion of the recycled materials may contain amounts of the regulated metals, is not considered intentional introduction for the purposes of this chapter when the new package or packaging component is in compliance with section 1733.

Sec. 2. 32 MRSA §1732, sub-§5, as enacted by PL 1989, c. 849, §1, is amended to read:

5. Packaging component. "Packaging component" means any individual assembled part of ~~an assembled~~ a package such as, but not limited to, any interior or exterior blocking, bracing, cushioning, weatherproofing, exterior strapping, coatings, closures, inks and labels. Tin-plated steel that meets the American Society for Testing and Materials specification A-623 must be considered as a single package component. Electrogalvanized coated steel and hot-dipped coated galvanized steel that meets the American Society for Testing and Materials specifications A-525 and A-879 must be treated in the same manner as tin-plated steel.

Sec. 3. 32 MRSA §1734, sub-§2, as amended by PL 1993, c. 310, Pt. A, §1, is further amended to read:

2. Health and safety requirements; feasibility; post-consumer materials. The manufacturer, supplier or distributor petitions the agency for an exemption for a particular package or packaging component and the agency grants an exemption for one or more of the following reasons.

A. The package or packaging component contains lead, cadmium, mercury or hexavalent chromium added in the manufacturing, forming, printing or distribution process in order to comply with health or safety requirements of state or federal law.

B. There is no feasible alternative to the use of lead, cadmium, mercury or hexavalent chromium in the package or packaging component. For the purposes of this section, "no feasible alternative" means a use in which the regulated substance is essential to the protection, safe handling or function of the package's contents.

C. The addition of post-consumer materials causes the package or packaging component to exceed the maximum concentration levels set forth in section 1733, subsection 3.

For packages or packaging components exempted under paragraph A or B, a 2-year exemption may be granted and that exemption may be renewed for an additional 2 years. An exemption granted under paragraph C is valid for 6 years; ~~or~~

Sec. 4. 32 MRSA §1734, sub-§3, as enacted by PL 1991, c. 177, §1, and affected by §2, is amended to read:

3. Alcoholic beverages bottled prior to effective date. The package or packaging component