LAWS

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STATE OF MAINE

AS PASSED BY THE

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FIRST REGULAR SESSION

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TITLE 3, SECTION 163-A, SUBSECTION 4

J.S. McCarthy Company
Augusta, Maine
1995

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

contains an alcoholic beverage bottled prior to April 1, 1992.; or

Sec. 5. 32 MRSA §1734, sub-§4 is enacted to read:

4. Packaging and packaging components; reused. Packages and packaging may be reused under the following conditions.

A. Packages and packaging components that exceed contaminant levels set forth in section 1733 may be reused if the product being conveyed by the package or packaging component is regulated under federal or state health or safety requirements; if transportation of the packaged product is regulated under federal or state transportation requirements; and if disposal of the package is performed according to federal or state radioactive or hazardous waste disposal requirements.

B. Packages and packaging components having a controlled distribution that exceed the contaminant levels set forth in section 1733 may be reused if the manufacturer or distributor of the packages or packaging components petitions the agency for exemption and receives approval from the agency according to standards set by the agency and based upon satisfactory demonstrations that the environmental benefit of the controlled distribution and reuse is significantly greater than the same package manufactured in compliance with the contaminant levels set forth in section 1733.

C. This subsection is repealed January 1, 2000.

See title page for effective date.

CHAPTER 185

S.P. 419 - L.D. 1142

An Act Regarding Abandoned Prescription Drugs at State Facilities

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

Sec. 1. 33 MRSA §1819, as enacted by PL 1987, c. 691, §4, is amended to read:

§1819. Tangible property held by state institutions

1. Presumption of abandonment. Tangible and intangible property other than prescription drugs held by an institution under the control of the Department of Mental Health and Mental Retardation ~~and~~ or the Department of Corrections that has been left by a patient or inmate ~~shall be~~ is presumed abandoned if it ~~has~~ is not ~~been~~ claimed within 2 years after the patient's or inmate's discharge from, or death while residing in, the institution. Prescription drugs held by an institution under the control of the Department of Mental Health and Mental Retardation or the Department of Corrections that are left by a patient or inmate are presumed abandoned upon the death of the patient or inmate or if the drugs are not claimed within 30 days of the patient's or inmate's admission to the institution.

2. Reducing tangible property to cash. Tangible property other than prescription drugs presumed ~~to be~~ abandoned under this section may be sold by the head of the institution at public auction if the fair market value of all property left at that institution by the patient or inmate is less than $1,000.

A. At least 14 days prior to sale, the head of the institution shall give notice to the owner:

(1) Either personally or by certified mail; or

(2) If that notice cannot be given after one reasonable attempt to do so, by publication in a newspaper of general circulation in the county in which the institution is located.

The notice ~~shall~~ must give a description of the property, the institution at which it was left, the time and place of sale and the right to claim the property.

B. The owner may claim this property at any time prior to actual sale.

C. After sale, the head of the institution shall record the name of the owner prior to the sale, a description of the property, the institution at which it was left and the proceeds of the sale.

D. The proceeds of the sale and the records of the sale ~~shall~~ must be reported and delivered to the administrator as if they were the property presumed abandoned.

3. Prescription drugs. Prescription drugs that are presumed abandoned under subsection 1 may be disposed of in accordance with rules established by the Board of Commissioners of the Profession of Pharmacy.

See title page for effective date.