

# 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**  
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**NON-EMERGENCY LAWS IS**  
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**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**  
**1995**

## CHAPTER 390

H.P. 946 - L.D. 1335

**An Act to Amend Laws Pertaining to  
On-premises Signs by Allowing for  
Changeable Signs**

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

**Sec. 1. 23 MRSA §1914, sub-§6**, as repealed and replaced by PL 1981, c. 318, §4, is amended to read:

**6. On-premise signs prohibited.** An on-premise sign ~~shall be~~ is prohibited if it:

A. Attempts or appears to attempt to direct the movement of traffic or ~~which~~ interferes with, imitates or resembles any official traffic sign, signal or device;

B. Prevents the driver of a vehicle from having a clear and unobstructed view of official signs and approaching or merging traffic;

C. Contains, includes or is illuminated by a flashing, intermittent or moving light or lights, except as provided in subsection 11;

D. Uses lighting in any way unless the light is in the opinion of the commissioner effectively shielded ~~as~~ to prevent beams or rays of light from being directed at any portion of the public way or is of such intensity or brilliance as to cause glare or impair the vision of the operator of any motor vehicle or ~~as~~ to otherwise interfere with any driver's operation of a motor vehicle; or

E. Moves ~~or~~, has any animated or moving parts or has the appearance of movement, except as provided in subsection 11.

**Sec. 2. 23 MRSA §1914, sub-§9**, as repealed and replaced by PL 1981, c. 318, §4, is amended to read:

**9. Jurisdiction by local authority in compact or built-up sections.** Administration Except as otherwise provided in this chapter, administration of this chapter by the Department of Transportation shall does not apply to on-premise advertisements located in compact or built-up sections, the administration of which shall be is the responsibility of local authority. In compact or built-up areas adjacent to the interstate, the Department of Transportation shall be is responsible for the administration of this section. The "compact or built-up section" of any town or city shall be is the territory contiguous to any highway which that is built up with buildings devoted to business or

dwelling purposes ~~which~~ that are situated less than 200 feet apart for a distance of at least 1/4 of a mile.

**Sec. 3. 23 MRSA §1914, sub-§11** is enacted to read:

**11. Changeable signs.** Notwithstanding subsection 6, paragraphs C and E, changeable signs are not prohibited as long as the sign complies with all the terms of paragraph A or B.

A. For the purpose of this subsection, changeable message board signs are those signs in which the message may be electronically, mechanically or manually changed by the complete substitution or replacement of one display by another. The message on changeable message board signs may not be changed more than once in any 4-hour period.

B. For the purposes of this subsection, time and temperature signs are signs that electronically or mechanically display the time and temperature by the complete substitution or replacement of a display showing the time with a display showing the temperature.

This size, intensity of illumination and acceptable rate of change between the time display and the temperature display must comply with rules, policy or guidelines adopted by the Department of Transportation. Time and temperature signs erected before the effective date of this subsection need not comply with the rules, policy or guidelines.

C. This subsection is administered by the Department of Transportation unless the municipality in which the sign is located and the Department of Transportation have agreed in writing that the municipality may administer this subsection.

See title page for effective date.

## CHAPTER 391

H.P. 1080 - L.D. 1522

**An Act to Amend the Laws  
Regarding Child Placing Agency  
Disclosure of a Child's Background  
for the Purpose of Adoption**

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

**Sec. 1. 19 MRSA §1125, sub-§2**, as enacted by PL 1993, c. 686, §5 and affected by §13, is repealed and the following enacted in its place:

**2. Child's background.** This subsection governs the collection and disclosure of information about the child's background.

A. The department, the licensed child placing agency or any other person who acts to place or assist in placing the child for adoption shall obtain medical and genetic information on the birth parents and the child. Specifically, the department, the licensed child placing agency or any other person who acts to place or assist in placing the child for adoption shall attempt to obtain:

(1) A current medical, psychological and developmental history of the child, including an account of the child's prenatal care, medical condition at birth, results of newborn screening, any drug or medication taken by the child's birth mother during pregnancy, any subsequent medical, psychological or psychiatric examination and diagnosis, any physical, sexual or emotional abuse suffered by the child and a record of any immunizations and health care received since birth; and

(2) Relevant information concerning the medical, psychological and social history of the birth parents, including any known disease or hereditary disposition to disease, the history of use of drugs and alcohol, the health of the birth mother during her pregnancy and the health of the birth parents at the time of the child's birth.

B. Prior to the child being placed for the purpose of adoption, the department, the licensed child placing agency or other person who acts to place or assist in placing the child for adoption shall provide the information described in paragraph A to the prospective adoptive parents.

C. If the department, the licensed child placing agency or other person who acts to place or assists in placing the child for adoption has specific, articulable reasons to question the truth or accuracy of any of the information obtained, those reasons must be disclosed in writing to the prospective adoptive parents.

D. The prospective adoptive parents must be informed in writing if any of the information described in this subsection can not be obtained, either because the records are unavailable or because the birth parents are unable or unwilling to consent to its disclosure or to be interviewed.

E. If, after a child is placed for adoption and either before or after the adoption is final, the child suffers a serious medical or mental illness for which the specific medical, psychological or

social history of the birth parents or the child may be useful in diagnosing or treating such illness, the prospective adoptive or adoptive parents may request that the department, the licensed child placing agency, or other person who placed or assisted to place the child attempt to obtain additional information. The department, licensed child placing agency or other person shall attempt to obtain the information promptly and shall disclose any information collected to the prospective adoptive or adoptive parents as soon as reasonably possible. The department, the licensed child placing agency or other person may charge a fee to the prospective adoptive or adoptive parents to cover the cost of obtaining and providing such additional information. Fees collected by the department must be dedicated to defray the costs of obtaining and providing the additional information. Fees may be reduced or waived for low-income prospective adoptive or adoptive parents.

F. The department, the licensed child placing agency or other person who acts to place or assist in placing the child for adoption shall file the information collected with the court and, if it appears that the adoption will be granted and this information has not previously been made available to the adoptive parents pursuant to Title 22, section 4008, subsection 3, paragraph G or Title 22, section 8205, the court shall make the information available to the adoptive parents, prior to issuing the decree pursuant to subsection 6, with protection for the identity of persons other than the child.

G. If the child to be placed for adoption is from a foreign country that has jurisdiction over the child and the prospective adoptive parents are United States citizens, compliance with federal and international adoption laws is deemed to be compliance with this subsection.

**Sec. 2. 22 MRSA §4008, sub-§3, ¶G,** as enacted by PL 1991, c. 630, §4, is amended to read:

G. The prospective adoptive parents. Prior to a child being placed for the purpose of adoption, the department shall disclose fully to the prospective adoptive parents available information regarding the child's medical and genetic background and any reasonably available background or history that pertains to serious sexual, emotional or physical abuse of or harm to the child, with protection for the identity of persons other than the child comply with the requirements of Title 19, section 1125, subsection 2 and section 8205.

**Sec. 3. 22 MRSA §8205**, as enacted by PL 1991, c. 630, §5, is repealed and the following enacted in its place:

**§8205. Collection and disclosure of information about a child's background**

This section governs the collection and disclosure of information about the child's background.

**1. Information to be collected.** The licensed child placing agency shall obtain medical and genetic information on the birth parents and the child. Specifically, the licensed child placing agency shall attempt to obtain:

A. A current medical, psychological and developmental history of the child, including an account of the child's prenatal care, medical condition at birth, results of newborn screening, any drug or medication taken by the child's birth mother during pregnancy, any subsequent medical, psychological or psychiatric examination and diagnosis, any physical, sexual or emotional abuse suffered by the child and a record of any immunizations and health care received since birth; and

B. Relevant information concerning the medical, psychological and social history of the birth parents, including any known disease or hereditary disposition to disease, the history of use of drugs and alcohol, the health of the birth mother during her pregnancy and the health of the birth parents at the time of the child's birth.

**2. Disclosure before placement.** Prior to the child being placed for the purpose of adoption, the licensed child placing agency shall provide the information described in subsection 1 to the prospective adoptive parents.

**3. Specific reasons for concern.** If the licensed child placing agency has specific, articulable reasons to question the truth or accuracy of any of the information obtained, those reasons must be disclosed in writing to the prospective adoptive parents.

**4. Notice that information unavailable.** The prospective adoptive parents must be informed in writing if any of the information described in subsection 2 can not be obtained, either because the records are unavailable or because the birth parents are unable or unwilling to consent to its disclosure or to be interviewed.

**5. Request for additional information.** If, after a child is placed for adoption and either before or after the adoption is final, the child suffers a serious medical or mental illness for which the specific medical, psychological or social history of the birth

parents or the child may be useful in diagnosing or treating such illness, the prospective adoptive or adoptive parents may request the child placing agency to attempt to obtain additional information. The child placing agency shall attempt to obtain the information promptly and shall disclose any information collected to the prospective adoptive or adoptive parents as soon as reasonably possible. The licensed child placing agency may charge a fee to the prospective adoptive or adoptive parents to cover the cost of obtaining and providing the additional information. Fees collected by the department must be dedicated to defray the costs of obtaining and providing the additional information. Fees may be reduced or waived for low-income prospective adoptive or adoptive parents.

**6. International adoptions.** If the child to be placed for adoption is from a foreign country that has jurisdiction over the child and the prospective adoptive parents are United States citizens, compliance with federal and international adoption laws is deemed to be compliance with this section.

See title page for effective date.

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**CHAPTER 392**

**S.P. 337 - L.D. 918**

**An Act to Ensure a Sustainable Urchin Fishery in the State**

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

**Sec. 1. 12 MRSA §6533**, as enacted by PL 1993, c. 604, §1, is amended to read:

**§6533. Training required for tender's license**

The commissioner may not issue a sea urchin ~~boat~~ and scallop diving tender license under section 6748 ~~B 6535~~ to any person for calendar year 1995 or later unless that person has attended a safety training session offered under this section.

**1. Tender safety training session.** ~~By August 15, 1994, the~~ The commissioner shall establish a boat tender safety training session to provide basic safety training for persons who seek to obtain a sea urchin ~~boat~~ and scallop diving tender license. The training session may be taught by the department or offered by any public or private sector association or organization authorized by the commissioner to offer the training session. At a minimum, the training session must familiarize participants with basic cardiovascular pulmonary resuscitation techniques and risk factors, including hypothermia, associated with the handharvesting of sea urchins and scallops. For any training session taught by the department, the commissioner