

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

agencies or subdivisions. For the purposes of this subsection, only the United States, the State of Maine and their instrumentalities, agencies and subdivisions are exempt from the tax imposed by section 4641-A; except that property transferred to the Department of Transportation or the Maine Turnpike Authority for transportation purposes and gifts of land and interests in land to governmental entities and deeds to governmental entities from a bona fide nonprofit land conservation organization are exempt from the tax;

Sec. 2. Application. This Act applies for transfers occurring on or after October 1, 1995.

See title page for effective date.

CHAPTER 480

H.P. 940 - L.D. 1329

An Act Concerning Plastic Holding Devices Used in Packaging

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

Sec. 1. 7 MRSA §18, as amended by PL 1993, c. 743, §§1 and 2, is repealed.

Sec. 2. 7 MRSA §18-A, as amended by PL 1993, c. 743, §3, is repealed.

Sec. 3. 7 MRSA §18-B is enacted to read:

§18-B. Ring holding devices

A person may not sell or offer for sale products in containers connected by a separate holding device constructed of plastic rings with at least one hole larger than 1 3/4 inches in diameter, unless the device decomposes by photodegradation, chemical degradation or biodegradation within a reasonable period of time upon exposure to the elements, in accordance with regulations adopted by the United States Environmental Protection Agency, effective September 1, 1994 and codified at 40 Code of Federal Regulations, Part 238.

Sec. 4. PL 1993, c. 743, §4 is repealed.

See title page for effective date.

CHAPTER 481

S.P. 508 - L.D. 1367

An Act Concerning the Termination of Parental Rights

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

Sec. 1. 22 MRSA §4002, sub-§1-A, ¶¶A and B, as enacted by PL 1983, c. 184, §1, are amended to read:

A. Failure, for a period of at least ~~one year~~ 6 months, to communicate meaningfully with the child;

B. Failure, for a period of at least ~~one year~~ 6 months, to maintain regular visitation with the child;

Sec. 2. 22 MRSA §4035, sub-§4, as enacted by PL 1991, c. 176, §2, is amended to read:

4. Final protection order. The court shall issue a final protection order within 18 months of the filing of the child protection petition unless good cause is shown why the order should not be issued within that time period.

Notwithstanding any other provision of this subsection, if the court makes a finding pursuant to section 4055, subsection 1-A, then the court shall issue a final protection order within 12 months of the filing of the child protection petition unless good cause is shown why the order should not be issued within that time period. Good cause does not include a scheduling problem.

Sec. 3. 22 MRSA §4055, sub-§1-A, ¶¶A and B, as enacted by PL 1985, c. 739, §16, are amended to read:

A. The parent has acted toward a child in a manner ~~which that~~ is heinous or abhorrent to society or has failed to protect a child in a manner ~~which that~~ is heinous or abhorrent to society, without regard to the intent of the parent; ~~or~~

B. The victim of any of the following crimes was a child for whom the parent was responsible or the victim was a child who was a member of a household lived in or frequented by the parent and the parent has been convicted of:

- (1) Murder;
- (2) Felony murder;
- (3) Manslaughter;
- (4) Aiding or soliciting suicide;
- (5) Aggravated assault;
- (6) Rape;
- (7) Gross sexual misconduct or gross sexual assault;

- (8) Sexual abuse of minors;
- (9) Incest;
- (10) Kidnapping;
- (11) Promotion of prostitution; or
- (12) A comparable crime in another jurisdiction;

Sec. 4. 22 MRSA §4055, sub-§1-A, ¶¶C to E are enacted to read:

C. The child has been placed in the legal custody or care of the department, the parent has a chronic substance abuse problem, and the parent's prognosis indicates that the child will not be able to return to the custody of the parent within a reasonable period of time, considering the child's age and the need for a permanent home. The fact that a parent has been unable to provide safe care of a child for a period of 12 months due to substance abuse constitutes a chronic substance abuse problem;

D. The child has been placed in the legal custody or care of the department, the court has previously terminated parental rights to another child who is a member of the same family and the parent continues to lack the ability or willingness to show the court that the parent has sought services that would rehabilitate the parent or the parent can not show evidence that an additional period of services would result in reunification in a time reasonably calculated to meet the needs of the child and the child's need for a permanent home; or

E. The child has been placed in the legal custody or care of the department for at least 12 months, and the parents have been offered or received services to correct the situation but have refused or have made no significant effort to correct the situation.

Sec. 5. 22 MRSA §4055, sub-§2, as amended by PL 1983, c. 772, §9, is further amended to read:

2. Primary considerations. In deciding to terminate parental rights, the court shall consider the needs of the child, including the child's age, the child's attachments to relevant persons, periods of attachments and separation, the child's ability to integrate into a substitute placement or back into ~~his~~ the parent's home and the child's physical and emotional needs.

See title page for effective date.

CHAPTER 482

H.P. 771 - L.D. 1045

An Act to Amend Certain Motor Vehicle Laws

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

PART A

Sec. A-1. 29-A MRSA §101, sub-§15, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

15. Classic vehicle. "Classic vehicle" means a motor vehicle ~~more than 10 years old~~ made before the 1984 model year but less than 25 years old that the Secretary of State determines is of significance to vehicle collectors because of its make, model and condition and is valued at more than \$5,000.

Sec. A-2. 29-A MRSA §252, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

1. Reports furnished to commercial users; fee. The Secretary of State shall furnish reports of records pertaining to convictions, adjudications, accidents, suspensions, revocations and other information ~~to individuals~~ for a fee of \$4 \$5 each. Certified copies are an additional \$1.

Sec. A-3. 29-A MRSA §410 is enacted to read:

§410. Voluntary surrender or cancellation

A registrant may voluntarily surrender vehicle registration. The Secretary of State shall record that the registration has been cancelled. The Secretary of State may require the return of any certificate of registration or registration plate issued to the registrant for the vehicle. The registrant may activate the registration at any time prior to the original expiration of the registration. The fee for reactivation is \$10.

Sec. A-4. 29-A MRSA §521, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed and the following enacted in its place:

§521. Registration; disability registration plates

1. Definition. "Person with a disability" means a person whose disability limits or impairs the ability to walk, as determined and certified by a licensed physician, to the extent that the person:

A. Can not walk 200 feet without stopping to rest;