

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST SPECIAL SESSION
November 28, 1995 to December 1, 1995

SECOND REGULAR SESSION
January 3, 1996 to April 4, 1996

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 4, 1996

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

hearing must be held on the boil-water order within 15 days of the receipt of the request.

Sec. 5. 22 MRSA §2615, sub-§1, as enacted by PL 1975, c. 751, §4, is repealed and the following enacted in its place:

1. Notification. A public water system shall notify the public of the nature and extent of possible health effects as soon as practicable, but not later than the time periods established under subsection 4, if the system:

A. Is not in compliance with a state drinking water rule;

B. Fails to perform monitoring, testing or analyzing or fails to provide samples as required by departmental rules;

C. Is subject to a variance or an exemption granted under section 2613; or

D. Is not in compliance with the terms of a variance or an exemption granted under section 2613.

Public notification under this section must be provided concurrently to the system's local health officer and to the department. When required by law, the department shall forward a copy of the notification to the Administrator of the United States Environmental Protection Agency. The department may require notification to a public water system's individual customers by mail delivery or by hand delivery within a reasonable time, but not earlier than required under federal laws.

Sec. 6. 22 MRSA §2615, sub-§§3 to 5 are enacted to read:

3. Form of notification. In addition to the notification required under subsection 1, a public water system shall provide public notification by furnishing a copy of the information required under subsection 1 in accordance with this subsection. A public water system that may provide notification via newspaper or media may voluntarily provide notification to its customers via mail or hand delivery. Notification must be provided:

A. To a daily newspaper or the communications media covering the territory served by the system; or

B. When a public water system is not served by a daily newspaper or communications media, or when a public water system is a nontransient, noncommunity system, directly to its customers via hand delivery or through continuous posting in conspicuous places reasonably calculated to

reach the customers within the territory served by the system.

4. Timing of notification. A public water system shall provide public notification pursuant to subsection 3 on a notification schedule as follows:

A. When a boil-water order is properly issued to a public water system under section 2614, subsection 3, within 24 hours;

B. When a violation of a maximum contaminant level does not result in an acute risk to public health, when a treatment technique is required or when a schedule is contained within a variance or an exemption, within 14 days;

C. When a violation of a maximum contaminant level results in an acute risk to public health, within 72 hours of the identification of the violation;

D. For minor monitoring violations, as defined by the commissioner by rule, at least once annually;

E. For monitoring violations, other than for minor monitoring violations, within 90 days of the identification of the violation and at least once annually; and

F. For ongoing violations, once notification for a violation under this section has been provided, notification by mail delivery or by hand delivery at least once every 3 months for as long as the violation continues.

5. Rulemaking. The commissioner shall adopt rules establishing the procedures for the provision of public notification as required to comply with state and federal laws. Rules adopted pursuant to this section are minor technical rules as defined in Title 5, chapter 375, subchapter II-A.

See title page for effective date.

CHAPTER 623

H.P. 1285 - L.D. 1765

An Act to Amend the Standards for Appointing the Guardian of a Minor

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

Sec. 1. 18-A MRSA §5-204, as enacted by PL 1979, c. 540, §1, is repealed and the following enacted in its place:

§5-204. Court appointment of guardian of minor; conditions for appointment

The court may appoint a guardian or coguardians for an unmarried minor if:

(a) All parental rights of custody have been terminated or suspended by circumstance or prior court order;

(b) Each living parent whose parental rights and responsibilities have not been terminated or the person who is the legal custodian of the unmarried minor consents to the guardianship and the court finds that the consent creates a condition that is in the best interest of the child; or

(c) The person or persons whose consent is required under subsection (b) do not consent, but the court finds by clear and convincing evidence that the person or persons have failed to respond to proper notice or a living situation has been created that is at least temporarily intolerable for the child even though the living situation does not rise to the level of jeopardy required for the final termination of parental rights, and that the proposed guardian will provide a living situation that is in the best interest of the child.

A guardian appointed by will as provided in section 5-202 whose appointment has not been prevented or nullified under section 5-203 has priority over any guardian who may be appointed by the court but the court may proceed with an appointment upon a finding that the testamentary guardian has failed to accept the testamentary appointment within 30 days after notice of the guardianship proceeding.

If a proceeding is brought under subsection (c), the nonconsenting parent or legal custodian is entitled to court-appointed legal counsel if indigent.

If the court appoints a limited guardian, the court shall specify the duties and powers of the guardian, as required in section 5-105, and the parental rights and responsibilities retained by the parent of the minor.

Sec. 2. 18-A MRSA §5-212, sub-§(d) is enacted to read:

(d) The court may not terminate the guardianship in the absence of the guardian's consent unless the court finds by a preponderance of the evidence that the termination is in the best interest of the ward. The guardian has the burden of showing by a preponderance of the evidence that continuation of the guardianship is in the best interest of the ward. If the court does not terminate the guardianship, the court may dismiss subsequent petitions for termination

of the guardianship unless there has been a substantial change of circumstances.

See title page for effective date.

CHAPTER 624

H.P. 1177 - L.D. 1609

An Act to Provide Consistent Retirement Plan Options for Game Wardens, Marine Patrol Officers, Forest Rangers and Baxter State Park Authority Rangers

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

Whereas, the Legislature has recently provided a new retirement option for game wardens, marine patrol officers and Baxter State Park Authority rangers and is now providing a similar option for forest rangers; and

Whereas, equitable treatment of forest rangers requires making this retirement option available immediately; 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. 5 MRSA §17711, as amended by PL 1987, c. 739, §§23 and 48, is repealed and the following enacted in its place:

§17711. Forest rangers

1. Before September 1, 1984. A forest ranger in the Department of Conservation, Bureau of Forestry who was first employed in that capacity before September 1, 1984, shall contribute to the retirement system or have pick-up contributions made by the employer as follows:

A. At a rate of 7.5% of earnable compensation until the forest ranger has met the requirements for eligibility for retirement under section 17851, subsection 8; and

B. After meeting the eligibility requirements for retirement, at a rate of 6.5% of earnable compensation for the remainder of the forest ranger's employment as a forest ranger.