

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**September 5, 1996 to September 7, 1996**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 4, 1996 to March 27, 1997**

**FIRST SPECIAL SESSION**  
**March 27, 1997 to June 20, 1997**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 26, 1997**

**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 1997**

**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**  
**1997**

## CHAPTER 325

H.P. 241 - L.D. 305

**An Act to Prohibit the Inhaling of Toxic Vapors for Effect****Be it enacted by the People of the State of Maine as follows:****Sec. 1. 22 MRSA §2383-C** is enacted to read:**§2383-C. Unlawful use or possession of inhalants****1. Prohibited acts.** A person may not intentionally or knowingly:

A. Inhale, ingest, apply or smell the gases, vapors or fumes of any gas, hazardous inhalant, substance containing a volatile chemical or substance containing a chemical material capable of releasing toxic vapors or fumes for the purpose of causing intoxication, euphoria, inebriation, excitement, stupefaction or the dulling of that person's brain or nervous system; or

B. Possess any gas, hazardous inhalant, substance containing a volatile chemical or substance containing a chemical material capable of releasing toxic vapors with the intent to violate paragraph A.

**2. Exclusions.** Nothing in this section applies to the inhalation of anesthesia for medical or dental purposes or the inhalation of the vapors or fumes of an alcoholic beverage, the sale and consumption of which is authorized by law.

**3. Presumption regarding violations.** Proof that a person intentionally or knowingly inhaled, ingested, applied or used a substance in a manner contrary to the directions for use, cautions or warnings on a label of a container of the substance gives rise to a presumption that the person violated subsection 1.

**4. Presumption regarding ingredients.** For the purposes of this section, it is presumed that the ingredients in a container are, in fact, the ingredients listed on a label of the container or the ingredients listed for that substance in databases maintained or relied upon by a poison control center certified by a national association of poison control centers.

**5. Penalties.** A person who violates this section commits a civil violation for which a forfeiture, which may not be suspended except as provided in subsection 6, must be adjudged as follows:

A. Not less than \$100 or more than \$300 for the first offense;

B. Not less than \$200 or more than \$500 for the 2nd offense; and

C. Five hundred dollars for the 3rd and each subsequent offense.

**6. Additional orders.** In addition to the civil forfeitures required by subsection 5, the judge may order the person to perform specified work for the benefit of the State, the municipality or other public entity or charitable institution or to undergo evaluation, education or treatment with a licensed social worker or a licensed substance abuse counselor. If the judge orders the person to perform specified work or to undergo evaluation, education or treatment, the judge may suspend a forfeiture imposed pursuant to subsection 5.

See title page for effective date.

## CHAPTER 326

S.P. 377 - L.D. 1236

**An Act to Amend the Laws Relating to State Agency Clients****Be it enacted by the People of the State of Maine as follows:****Sec. 1. 20-A MRSA §1, sub-§34-A,** as amended by PL 1995, c. 569, §1, is further amended to read:**34-A. State agency client.** "State agency client" means a child of eligible school age who is:

A. In the care or custody, or both, of the Department of Human Services; or the Department of Mental Health, Mental Retardation and Substance Abuse Services or the Department of Corrections;

B. Placed, with the recommendation of a Division of Mental Retardation case manager or an employee of the Bureau of Children with Special Needs, Department of Mental Health, Mental Retardation and Substance Abuse Services by a caseworker from the Department of Human Services or an authorized agent of Children's Services, Department of Mental Health, Mental Retardation and Substance Abuse Services for reasons other than educational reasons, with a person who is not the child's parent, legal guardian or relative;

C. On entrustment or absent with leave status from the Maine Youth Center; or

D. Attending a public or private school while still a resident of a state-operated institution; or

E. In the custody or under the supervision of the Department of Corrections, including, but not limited to, a juvenile on conditional release, an informally adjusted juvenile, a probationer or a juvenile on aftercare status from the Maine Youth Center and who is placed, for reasons other than educational reasons, pursuant to a court order or with the agreement of an authorized agent of the Department of Corrections, outside the juvenile's home.

Notwithstanding paragraphs A to ~~D~~ E, a "state agency client" may in addition be either a child who is under 3 years of age and has a diagnosed, established condition or a biological factor that has a high probability of resulting in developmental delay or a child who is under 6 years of age and in need of early intervention of special education services due to a delay in one or more of the following areas: cognitive development; physical development, including vision and hearing; communication development; social or emotional development; and adaptive development.

**Sec. 2. 20-A MRSA §5205, sub-§3**, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

**3. Students placed by state agencies.** A student who is placed by a state agency, ~~child placement agency or parent in a nonfamily foster home in a residential placement other than a residential treatment center, as defined in section 1, subsection 24-A, paragraph D, subparagraph 3, shall be is~~ considered a resident of the school administrative unit where the ~~foster home residential placement~~ is located, ~~if:~~

~~A. The state agency, child placement agency or parent proves to the school administrative unit's satisfaction that the costs of educating that student will be paid to the school administrative unit in the year they are incurred; and~~

~~B. The school administrative unit has agreed to accept tuition students under this Title.~~

**Sec. 3. 20-A MRSA §15604, sub-§1, ¶C**, as enacted by PL 1983, c. 859, Pt. G, §§2 and 4, is amended to read:

C. Special education tuition and board, excluding medical costs, defined as follows:

(1) Tuition and board for pupils placed by school administrative units;

(2) Tuition and board for pupils placed directly by the State in accordance with rules adopted or amended by the commissioner;

(3) Special education tuition and other tuition for institutional residents of state-operated institutions attending programs in school administrative units or private schools in accordance with rules adopted or amended by the commissioner; and

(4) Adjustments under section 15612, subsection 6;

**Sec. 4. 20-A MRSA §15607, sub-§9, ¶B**, as amended by PL 1989, c. 875, Pt. E, §28, is further amended to read:

B. Special educational tuition and other tuition for residents of state-operated institutions attending programs in school administrative units or private schools in accordance with rules adopted or amended by the commissioner.

**Sec. 5. 20-A MRSA §15613, sub-§6**, as enacted by PL 1983, c. 859, Pt. G, §§2 and 4, is amended to read:

**6. Education of institutional residents.** The commissioner may pay tuition to school administrative units or private schools for institutional residents within the limits of the appropriation made under section 15607, subsection 12.

See title page for effective date.

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## CHAPTER 327

### H.P. 14 - L.D. 39

#### An Act to Clarify the Authority of County Commissioners to Close Roads for Winter in the Unorganized Territories

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

**Sec. 1. 23 MRSA §2051**, as amended by PL 1975, c. 711, §1, is repealed and the following enacted in its place:

#### §2051. Power of commissioners

**1. Layout, maintenance and discontinuance of roads in unorganized areas.** County commissioners may lay out, alter, close for maintenance or discontinue highways within the unorganized areas of their counties and grade hills in such a highway. The county commissioners may close a county road for maintenance and preserve the right-of-way for the use of abutting landowners, any others using that way for access to their property and public utilities and corporations with facilities legally located within that