

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

SECOND SPECIAL SESSION
June 19, 2018 to September 13, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 13, 2018

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2018 to June 20, 2019

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 2019

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2019

the department a certificate of registration. The registrant shall display the certificate of registration in a conspicuous place at the tanning facility. A certification of registration issued under this subsection expires annually.

8. Violation; penalty. Notwithstanding section 690, subsection 1, a person who violates this section is not subject to the criminal penalties under section 690, subsection 1 but is subject to civil penalties in accordance with section 690, subsection 2. Violation may also result in suspension or revocation of a registration issued in accordance with subsection 7.

9. Local ordinance. This section does not preempt local ordinances that provide for more restrictive regulation of tanning facilities than required in this section or rules adopted pursuant to subsection 10.

10. Rulemaking. The department shall adopt rules to implement this section and otherwise regulate tanning facilities. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. Department of Health and Human Services to amend rules. No later than February 1, 2020, the Department of Health and Human Services shall amend its rules in 10-144 C.M.R. Chapter 223 to be consistent with the Maine Revised Statutes, Title 22, section 689-A.

See title page for effective date.

**CHAPTER 276
S.P. 420 - L.D. 1352**

**An Act To Provide for
Consistency Regarding Persons
Authorized To Conduct
Examinations for Involuntary
Hospitalization and
Guardianship**

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

Sec. 1. 18-C MRSA §5-306, sub-§1, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

1. Evaluation; report. In every adult guardianship matter, the respondent must be examined by a ~~licensed physician or psychologist~~ medical practitioner who is acceptable to the court and who is qualified to evaluate the respondent's alleged cognitive and functional abilities. The individual conducting the evaluation shall file a report in a record with the court at least 10 days before any hearing on the petition. Unless otherwise directed by the court, the report must contain:

- A. A description of the nature, type and extent of the respondent's cognitive and functional abilities and limitations;
- B. An evaluation of the respondent's mental and physical condition and, if appropriate, educational potential, adaptive behavior and social skills;
- C. A prognosis for improvement and recommendation for the appropriate treatment, support or habilitation plan; and
- D. The date of the examination on which the report is based.

As used in this subsection, "medical practitioner" means a licensed physician, a registered physician assistant, a certified psychiatric clinical nurse specialist, a certified nurse practitioner or a licensed clinical psychologist.

See title page for effective date.

**CHAPTER 277
H.P. 1043 - L.D. 1433**

**An Act To Protect the
Environment and Public
Health by Further Reducing
Toxic Chemicals in Packaging**

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

Sec. 1. 32 MRSA §1731, as enacted by PL 1989, c. 849, §1, is amended to read:

§1731. Purpose

The purpose of this chapter is to reduce the toxicity of ~~packaging and~~ packaging waste without impeding or discouraging the expanded use of post-consumer materials in the production of packaging and its components. Under this chapter, reduction of the toxicity in packaging and packaging waste is accomplished by prohibiting the unnecessary addition of ~~heavy metals~~ certain chemicals, such as lead, mercury, cadmium ~~and~~, hexavalent chromium, PFAS and phthalates, in packaging and packaging components.

Sec. 2. 32 MRSA §1732, as amended by PL 1995, c. 656, Pt. A, §§7 and 8, is further amended to read:

§1732. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1-A. Department. "Department" means the Department of Environmental Protection.