

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 2, 1998 to June 19, 1999**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 18, 1999**

**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**  
**1999**

approved by the county commissioners of the county within which the unincorporated place is located.

**Sec. 7. 28-A MRSA §1063-A** is enacted to read:

**§1063-A. Off-track betting facility**

**1. Issuance of licenses.** The bureau may issue licenses under this section for the sale of spirits, wine and malt liquor to be consumed on the premises to off-track betting facilities, as defined in section 2, subsection 15, paragraph R-2.

**2. Minors prohibited in lounge premises.** A licensee may not permit any minor in an off-track betting lounge. For purposes of this subsection, and notwithstanding section 2, subsection 20, "minor" means a person who has not reached 18 years of age.

See title page for effective date.

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**CHAPTER 422**

**H.P. 1129 - L.D. 1588**

**An Act to Increase the Penalties for  
Persons in Possession of  
Methamphetamine in Conformity  
with the Penalties for Similarly  
Dangerous Drugs**

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

**Sec. 1. 17-A MRSA §1103, sub-§3, ¶C**, as enacted by PL 1989, c. 924, §8, is amended to read:

C. Four grams or more of heroin; ~~or~~

**Sec. 2. 17-A MRSA §1103, sub-§3, ¶D**, as amended by PL 1991, c. 548, Pt. A, §10, is further amended to read:

D. Lysergic acid diethylamide in any of the following quantities, states or concentrations:

- (1) Any compound, mixture, substance or solution in a liquid state that contains a detectable quantity of lysergic acid diethylamide;
- (2) Fifty or more squares, stamps, tablets or units of any compound, mixture or substance containing a detectable quantity of lysergic acid diethylamide; or
- (3) Any quantity of any compound, mixture or substance that, in the aggregate, contains 2,500 micrograms or more of lysergic acid diethylamide; or

**Sec. 3. 17-A MRSA §1103, sub-§3, ¶E** is enacted to read:

E. Fourteen grams or more of methamphetamine.

**Sec. 4. 17-A MRSA §1105, sub-§1, ¶E**, as amended by PL 1995, c. 65, Pt. A, §58 and affected by §153 and Pt. C, §15, is further amended to read:

E. A person violates section 1103, and, at the time of the offense, the person is on a school bus or on or within 1,000 feet of the real property comprising a private or public elementary or secondary school. For purposes of this paragraph, "school bus" has the same meaning as set forth in Title 29-A, section 2301, subsection 5; ~~or~~

**Sec. 5. 17-A MRSA §1105, sub-§1, ¶F**, as enacted by PL 1989, c. 924, §11, is amended to read:

F. A person violates section 1103, and, at the time of the offense, the person enlists or solicits the aid of or conspires with a child who is, in fact, under 18 years of age, to traffick in or furnish any scheduled drug; or

**Sec. 6. 17-A MRSA §1105, sub-§1, ¶G** is enacted to read:

G. A person violates section 1103 or 1106, and, at the time of the offense, the person trafficks in or furnishes methamphetamine in a quantity of 100 grams or more.

**Sec. 7. 17-A MRSA §1106, sub-§3, ¶C**, as enacted by PL 1989, c. 924, §12, is amended to read:

C. Two grams or more of heroin; ~~or~~

**Sec. 8. 17-A MRSA §1106, sub-§3, ¶D**, as amended by PL 1991, c. 548, Pt. A, §11, is further amended to read:

D. Lysergic acid diethylamide in any of the following quantities or concentrations:

- (1) Not less than 25 squares, stamps, tablets or units of any compound, mixture or substance containing a detectable quantity of lysergic acid diethylamide; or
- (2) Any quantity of any compound, mixture or substance that, in the aggregate, contains not less than 1,250 micrograms of lysergic acid diethylamide; or

**Sec. 9. 17-A MRSA §1106, sub-§3, ¶E** is enacted to read:

E. Seven grams or more of methamphetamine.

**Sec. 10. 17-A MRSA §1107, sub-§2**, as repealed and replaced by PL 1995, c. 635, §6, is amended to read:

2. Violation of this section is:

A. A Class C crime if the drug is:

(1) Heroin (diacetylmorphine); ~~or~~

(2) Cocaine in the form of cocaine base and at the time of the offense the person has been convicted of any offense under this chapter or under any law of the United States, another state or a foreign country relating to scheduled drugs, as defined in this chapter. For the purposes of this paragraph, a person has been convicted of an offense on the date the judgment of conviction was entered by the court; or

(3) Methamphetamine;

B. A Class D crime if the drug is:

(1) A schedule W drug other than:

(a) Heroin (diacetylmorphine); ~~or~~

(b) Cocaine in the form of cocaine base and the person has a prior scheduled drug conviction within the meaning of paragraph A, subparagraph (2) of this section; or

(c) Methamphetamine; or

(2) A schedule X drug;

C. A Class E crime if the drug is a schedule Y or Z drug; ~~or~~

D. A Class B crime if the drug is cocaine and the quantity possessed is more than 14 grams or cocaine in the form of cocaine base and the quantity possessed is more than 4 grams; or

E. A Class B crime if the drug is methamphetamine and the quantity possessed is more than 14 grams.

See title page for effective date.

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**CHAPTER 423**

**H.P. 499 - L.D. 706**

**An Act to Expedite Treatment of Certain Persons with Mental Illness**

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

**Sec. 1. 18-A MRSA §5-802, sub-§(d)**, as enacted by PL 1995, c. 378, Pt. A, §1, is amended to read:

(d) Unless otherwise specified in a written advance health-care directive, a determination that an individual lacks or has recovered capacity or that another condition exists that affects an individual instruction, the authority of an agent or the validity of an ~~advanced~~ advance health-care directive must be made by the primary physician ~~or~~, by a court of competent jurisdiction or, for an individual who has included a directive authorizing mental health treatment in an advance health-care directive, by a person qualified to conduct an examination pursuant to Title 34-B, section 3863.

**Sec. 2. 18-A MRSA §5-802, sub-§(i)** is enacted to read:

(i) An advance health care directive is valid for purposes of directing mental health treatment. The terms of the directive must be construed in accordance with this Part and Title 34-B, sections 3831 and 3862.

**Sec. 3. 34-B MRSA §3831, sub-§6** is enacted to read:

**6. Adults with advance health care directives.**  
An adult with an advance health care directive authorizing mental health hospital treatment may be admitted on an informal voluntary basis if the conditions specified in the advance health care directive for the directive to be effective are met in accordance with the method stated in the advance health care directive or, if no such method is stated, as determined by a physician or a psychologist. If no conditions are specified in the advance health care directive as to how the directive becomes effective, the person may be admitted on an informal voluntary basis if the person has been determined to be incapacitated pursuant to Title 18-A, Article 5, Part 8. A person may be admitted only if the person does not at the time object to the admission or, if the person does object, if the person has directed in the advance health care directive that admission to the hospital may occur despite that person's objections. The duration of the stay in the hospital of a person under this subsection may not exceed 5 working days. If at the end of that time the chief administrative officer of the hospital recommends further hospitalization of the person, the chief administrative officer shall proceed in accordance with section 3863, subsection 5.

This subsection does not create an affirmative obligation of a hospital to admit a person consistent with the person's advance health care directive. This subsection does not create an affirmative obligation on the part of the hospital or treatment provider to provide the treatment consented to in the person's advance health care directive if the physician or