

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 scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1142

S.P. 419

In Senate, April 4, 1995

An Act Regarding Abandoned Prescription Drugs at State Facilities.

Submitted by the Department of Mental Health and Mental Retardation pursuant to Joint Rule 24.

Reference to the Committee on Human Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS
Secretary of the Senate

Presented by Senator PENDEXTER of Cumberland.

Cosponsored by Representative FITZPATRICK of Durham and

Representatives: LOVETT of Scarborough, MITCHELL of Portland, RICE of South Bristol, SHIAH of Bowdoinham.

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

Sec. 1. 33 MRSA §1819, as enacted by PL 1987, c. 691, §4, is amended to read:

§1819. Tangible property held by state institutions

1. **Presumption of abandonment.** Tangible and intangible property other than prescription drugs held by an institution under the control of the Department of Mental Health and Mental Retardation and or the Department of Corrections that has been left by a patient or inmate ~~shall be~~ is presumed abandoned if it ~~has is~~ not been claimed within 2 years after the patient's or inmate's discharge from, or death while residing in, the institution. Prescription drugs held by an institution under the control of the Department of Mental Health and Mental Retardation or the Department of Corrections that are left by a patient or inmate are presumed abandoned upon the death of the patient or inmate or if the drugs are not claimed within 30 days of the patient's or inmate's admission to the institution.

2. **Reducing tangible property to cash.** Tangible property other than prescription drugs presumed ~~to be~~ abandoned under this section may be sold by the head of the institution at public auction if the fair market value of all property left at that institution by the patient or inmate is less than \$1,000.

A. At least 14 days prior to sale, the head of the institution shall give notice to the owner:

(1) Either personally or by certified mail; or

(2) If that notice cannot be given after one reasonable attempt to do so, by publication in a newspaper of general circulation in the county in which the institution is located.

The notice ~~shall~~ must give a description of the property, the institution at which it was left, the time and place of sale and the right to claim the property.

B. The owner may claim this property at any time prior to actual sale.

C. After sale, the head of the institution shall record the name of the owner prior to the sale, a description of the property, the institution at which it was left and the proceeds of the sale.

2 D. The proceeds of the sale and the records of the sale
shall must be reported and delivered to the administrator as
4 if they were the property presumed abandoned.

6 3. Prescription drugs. Prescription drugs that are
presumed abandoned under subsection 1 may be disposed of in
8 accordance with rules established by the Board of Commissioners
of the Profession of Pharmacy.

10
12 **STATEMENT OF FACT**

14 Current law does not distinguish prescription drugs from
other property that may be presumed abandoned if left by a
16 patient that was a resident in an institution. This bill
distinguishes prescription drugs from other property and also
18 sets up standards as to when they can be presumed abandoned by
the patient.