

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

One Hundred and Seventh Legislature

AT THE

1ST SPECIAL SESSION

JANUARY 19, 1976 TO APRIL 29, 1976

AND

2ND SPECIAL SESSION

JUNE 14, 1976

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 164, SUBSECTION 6.

PORTLAND LITHOGRAPH COMPANY
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PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
One Hundred and Seventh Legislature
AT THE FIRST SPECIAL SESSION
January 19, 1976 to April 29, 1976
AND THE SECOND SPECIAL SESSION
June 14, 1976

Supplementary to the Acts and Resolves of the Regular Session

[supplied from page 3097 of volume]

All bonds, notes or other evidences of indebtedness issued for school purposes by an administrative unit, as defined in section 3452, for capital outlay purposes or for current operating expenses, including tax or other revenue anticipation notes, shall be general obligations of the administrative unit. The municipal officers, school directors, trustees or other governing board exercising like functions in each administrative unit shall require the sums as may be necessary to meet in full the principal of and interest on these bonds, notes or other evidences of indebtedness payable in each year to be assessed and collected in the manner provided by law for the assessment and collection of taxes, provided that the sums to be so assessed and collected shall be reduced by the amount of any allocation of funds appropriated by the Legislature and to become available to the unit to pay the principal and interest in the year as shall be certified to the unit by the Commissioner of Educational and Cultural Services on or before April 1st. The sums so assessed shall be payable from ad valorem taxes which may be levied without limit as to rate or amount upon all the taxable property within the administrative unit.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective March 23, 1976

CHAPTER 674

AN ACT Concerning the Administration of Medicine to Inmates of County Jails.

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

Whereas, the keepers of county jails are currently prohibited from administering to prisoners in their charge any kind of medication, including non-prescription drugs, such as aspirin and cough medicine; and

Whereas, the keepers of county jails are fully capable of handing to a prisoner a pill as prescribed by a licensed physician or, in the case of nonprescription medication, in accordance with the directions on the label; and

Whereas, high and unnecessary expenses have been incurred by the county jails, because prisoners must be transported so that nurses can administer medication to them; 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:

34 MRSA § 912 is enacted to read:

1. Administration of medication by sheriff or deputy. The sheriff of any county may administer to any prisoner in his custody and charge, any oral or topical medication as prescribed by a licensed physician or dentist, or if requested by a prisoner, any nonprescription medication in accordance with the directions on its container. The sheriff may delegate this authority to administer medication to his deputy who is in charge of the county jail or to the master or keeper of the county jail.

2. Limitations on administration of medication. The sheriff or his delegate shall not administer any prescription or nonprescription medication to any prisoner who has been incarcerated in the county jail for less than 24 hours, unless the sheriff or his delegate has consulted with and received permission to administer such medication from a licensed physician.

3. Insulin injections. No provisions under this section shall prevent any prisoner from self-administering insulin injections providing:

A. A duly licensed physician has authorized such self-administration; and

B. Such self-administration takes place in the presence of the sheriff or his delegate.

4. Statement by prisoner. Before administering any nonprescription medication to any prisoner who has been incarcerated in the county jail for 24 hours or longer, the sheriff or his delegate shall secure a written statement signed by the prisoner, which states that the prisoner has requested such medication and had no previous adverse allergic reaction to such medication.

5. Records of medication administered. Every sheriff or his delegate shall maintain for at least 2 years a record which shall include a description of each prescription and nonprescription medication administered in the county jail and the identity of each person to whom such medication is administered.

6. Administration of medication not a violation. The administration of medication to prisoners as provided in this section shall not be a violation of Title 32, section 2102, subsection 2, paragraph D or Title 32, section 3270 or any other law.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective March 23, 1976

CHAPTER 675

AN ACT Concerning Insurance Coverage for Blind Persons.

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