

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)

LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 1980 to June 19, 1981

AND AT THE

FIRST SPECIAL SESSION
August 3, 1981

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

K.J. Printing Co.
Augusta, Maine
1981

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND TENTH LEGISLATURE

1981

various energy saving techniques employed and the overall energy benefits achieved by the program. The Office of Energy Resources shall assist the authority in preparing this report.

Sec. 4. 10 MRSA § 866, sub-§ 4, first ¶, as enacted by PL 1977, c. 489, § 12, is amended by adding at the end 2 new sentences to read:

The proceeds of each issue of revenue obligation securities may be used to make loans for small business energy conservation projects as described in section 864, subsection 2-B. Administrative costs incurred by the authority under this program may be drawn from those proceeds.

Effective September 18, 1981

CHAPTER 426

H. P. 1117 — L. D. 1334

AN ACT Concerning Drug Abuse by Registered Pharmacists.

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

32 MRSA § 2856, as amended by PL 1973, c. 303, § 3, is repealed and the following enacted in its place:

§ 2856. Suspension or revocation of certificates

1. **Finding on complaint.** If the Administrative Court under Title 4, sections 1151 to 1158, and Title 5, section 10051, finds that the person so complained against is guilty of the act charged against him, it may suspend his registration as a pharmacist and his certificate thereof, for such term as may be deemed for the best interest of the public, or it may revoke the registration and certificate.

2. **Violations of law.** The Administrative Court may revoke or suspend the registration and certificate of a registered pharmacist, qualified assistant pharmacist, licensed pharmacy intern or licensed wholesaler, and the board may refuse to register a pharmacist, assistant pharmacist, pharmacy intern or wholesaler for any of the following:

A. Violation of any of the pharmacy laws of the State;

B. Conviction in a state or federal court of a crime punishable by a maximum term of imprisonment equal to or exceeding one year; or

C. Proof that the registrant or applicant is unfit or incompetent, as may be evidenced by acts of gross immorality, intoxication of an habitual nature,

whether caused by drugs or alcoholic beverages, adjudicated insanity or as evidenced by abnormal mental or physical conditions that threatened the safety of the public.

3. **Crime in course of business.** If any registered pharmacist is convicted in state or federal court of a crime which is committed during the course of his duties as a registered pharmacist or committed by him through the use of the pharmacy in which he is employed, or which he owns or operates, and which demonstrates his unfitness to practice as a pharmacist, including, but not limited to, convictions for defrauding the Medicaid program, and for illegally distributing prescription drugs, he is subject to the following action by the Administrative Court.

A. A pharmacist convicted of such a crime, if it is punishable by a maximum term of imprisonment of less than one year, shall have his registration and certificate suspended for a minimum period of 120 days.

B. A pharmacist convicted of such a crime, if it is punishable by a maximum term of imprisonment equal to or exceeding one year, shall have his registration and certificate suspended for a minimum period of one year, and may have his registration and certificate revoked and be permanently barred from reapplying for registration, notwithstanding Title 5, sections 5301 to 5304.

Effective September 18, 1981

CHAPTER 427

H. P. 1191 — L. D. 1415

AN ACT to Prevent Gear Conflicts.

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

12 MRSA § 6171-A is enacted to read:

§ 6171-A. Prevention of gear conflicts

1. **Commissioner's powers.** The commissioner may investigate conditions affecting conflicts among harvesters of marine organisms and, with the advice and consent of the advisory council, may adopt or amend regulations he deems necessary to prevent gear conflicts and promote the optimum development of marine organisms.

2. **Limitations.** The limitations of section 6171, subsection 2 shall also apply to regulations to prevent gear conflicts.