

# MAINE STATE LEGISLATURE

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**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.**

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

AS PASSED AT THE  
FIRST REGULAR SESSION

of the  
ONE HUNDRED AND TENTH LEGISLATURE

1981

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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

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## 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.

**3. Considerations.** In adopting rules to prevent gear conflicts, the commissioner shall consider:

- A. Traditional uses of the marine organisms;**
- B. Total economic benefits to the area in which the organisms are harvested; and**
- C. Optimum economic and biological management of marine resources.**

In each case, the commissioner shall accommodate the needs of all interested parties to the maximum extent possible, through provisions for joint use, alternate use or other methods.

**4. Procedure.** In adopting or amending any gear conflict regulations, other than an emergency regulation, the commissioner shall use the procedures required for rulemaking under the Maine Administrative Procedure Act, Title 5, chapter 375, and the additional requirements of subchapter II.

**5. Emergency regulations.** The following provisions shall apply to emergency regulations.

**A. The commissioner may adopt or amend regulations under emergency procedures if immediate action is necessary to prevent serious economic dislocation to the area in which marine resources are harvested.**

**B. In an emergency adoption or amendment of gear conflict regulations, prior public notice and hearing shall not be required. Emergency regulations under this section shall be in effect for no more than 90 days and may be repealed by the advisory council.**

Effective September 18, 1981

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## CHAPTER 428

H. P. 1476 — L. D. 1608

### AN ACT to Amend, Revise and Codify the Landlord-Tenant Laws.

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

Sec. 1. 14 MRSA § 6001, as last amended by PL 1977, c. 401, § 2, is repealed and the following enacted in its place:

#### § 6001. Availability of remedy

1. Persons against whom process may be maintained. Process of forcible