

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

SECOND SPECIAL SESSION

September 25, 1981

AND

THIRD SPECIAL SESSION

December 9, 1981

AND

SECOND REGULAR SESSION

January 6, 1982 to April 13, 1982

AND AT THE

FOURTH SPECIAL SESSION

April 28, 1982 to April 29, 1982

AND AT THE

FIFTH SPECIAL SESSION

May 13, 1982

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

J.S. McCarthy Co.
Augusta, Maine
1981

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND AND THIRD SPECIAL SESSIONS

and

SECOND REGULAR SESSION

and

FOURTH AND FIFTH SPECIAL SESSIONS

of the

ONE HUNDRED AND TENTH LEGISLATURE

1981

CHAPTER 531

H. P. 1708 — L. D. 1700

AN ACT Concerning the Sale and Use of Drug Paraphernalia.

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

Whereas, the law dealing with the sale and use of drug paraphernalia which was passed at the First Regular Session of the 110th Legislature was to have taken effect on September 18, 1981; and

Whereas, the Federal District Court has temporarily enjoined that law from taking effect; and

Whereas, certain changes must be made in the law in order to avoid controversial areas of interpretation; and

Whereas, these changes must be made immediately before the law takes effect, in order to avoid these problems; 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:

Sec. 1. 17-A MRSA § 1111-A, sub-§ 1, first sentence, as enacted by PL 1981, c. 266, is amended to read:

As used in this section the term “drug paraphernalia” means all equipment, products and materials of any kind which are used or intended for use ~~or designed for use~~ in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a scheduled drug in violation of this chapter or Title 22, section 2383.

Sec. 2. 17-A MRSA § 1111-A, sub-§ 1, ¶¶ A-J, as enacted by PL 1981, c. 266, are amended to read:

A. Kits used or intended for use ~~or designed for use~~ in planting, propagating, cultivating, growing or harvesting of any species of plant which is a scheduled drug or from which a scheduled drug can be derived;

B. Kits used or intended for use ~~or designed for use~~ in manufacturing, compounding, converting, producing, processing or preparing scheduled drugs;

- C. Isomerization devices used or intended for use ~~or designed for use~~ in increasing the potency of any species of plant which is a scheduled drug;
- D. Testing equipment used or intended for use ~~or designed for use~~ in identifying or in analyzing the strength, effectiveness or purity of scheduled drugs;
- E. Scales and balances used or intended for use ~~or designed for use~~ in weighing or measuring scheduled drugs;
- F. Dilutents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used or intended for use ~~or designed for use~~ in cutting scheduled drugs;
- G. Separation gins and sifters, used or intended for use ~~or designed for use~~ in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;
- H. Blenders, bowls, containers, spoons and mixing devices used or intended for use ~~or designed for use~~ in compounding scheduled drugs;
- I. Capsules, balloons, envelopes and other containers used or intended for use ~~or designed for use~~ in packaging small quantities of scheduled drugs;
- J. Containers and other objects used or intended for use ~~or designed for use~~ in storing or concealing scheduled drugs; and

Sec. 3. 17-A MRSA § 1111-A, sub-§ 1, ¶K, first sentence, as enacted by PL 1981, c. 266, is amended to read:

Objects used or intended for use ~~or designed for use~~ in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:

Sec. 4. 17-A MRSA § 1111-A, sub-§ 3, ¶F, as enacted by PL 1981, c. 266, is amended to read:

F. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of this chapter; the innocence of an owner, or of anyone in control of the object, as to a direct violation of this chapter shall not prevent a finding that the object is intended for use ~~or designed for use~~ as drug paraphernalia;

Sec. 5. 17-A MRSA § 1111-A, sub-§ 6, as enacted by PL 1981, c. 266, is amended to read:

6. It is unlawful for any person to place in any newspaper, magazine, handbill or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects ~~designed or~~ intended for use as drug paraphernalia.

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

Effective September 28, 1981.

CHAPTER 532

H. P. 1706 — L. D. 1698

AN ACT to Clarify the Status of Certain Real Estate Titles in the State.

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

12 MRSA § 559 is enacted to read:

§ 559. Filled-in submerged lands

1. **Legislative intent; purpose.** The Legislature finds that the ownership of certain areas along Maine's coast and great ponds is uncertain because portions of the submerged and intertidal lands have been filled in so as now not to be subject to tidal action or below water. These lands were filled prior to the enactment of Public Law 1975, chapter 287, the Submerged Lands Act, as recodified by Public Law 1979, chapter 545. It appears that prior to the enactment of the Submerged Lands Act, and to some degree afterwards, these filled-in portions of the submerged or intertidal lands have been sold, leased, taxed and otherwise treated in good faith by municipalities and private citizens as if they were owned in fee by private parties. Due to the lack of readily available documentation of the natural low and high watermarks in most areas along the coast and great ponds, the process of setting the boundaries between submerged or intertidal lands and the upland would consume enormous time and expense for the State and the private parties.

The Legislature recognizes that the submerged lands are owned by the State for the benefit of the public. These lands are impressed with a public trust. This ownership and public trust is derived from the Massachusetts Colonial Ordinance of 1641-1647. As a result of this, submerged land is not, like ordinary private land, held in fee simple absolute but is impressed with the public trust which gives the public's representatives an interest and responsibility in its development.

The Legislature finds that those portions of the submerged and intertidal lands which have been filled in prior to October 1, 1975, the date the Submerged Lands Act was effective, are substantially valueless for trust uses and such lands can be disposed of without impairment of the public trust in what remains. The public benefit will be promoted by clarifying the status of real estate titles to such filled lands, thereby permitting full use and development.

2. **Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.