

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 602

H.P. 1825 - L.D. 1807

AN ACT to Authorize Governmental Entities to Provide Self-insurance.

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

Sec. 1. 14 MRSA §8116, first ¶, as repealed and replaced by PL 1977, c. 578, §5, is amended by adding at the end a new sentence to read:

Reserve funds maintained by a governmental entity to meet obligations imposed by this Act shall not increase the limits of liability imposed by section 8105.

Sec. 2. 14 MRSA §8116, as amended by PL 1977, c. 578, §§5 and 5-A, is further amended by adding after the first paragraph a new paragraph to read:

A governmental entity which self-insures against the obligations and liabilities imposed by this Act shall designate funds set aside to meet such obligations and liabilities as self-insurance funds. Any such governmental entity which self-insures under this Act shall maintain as part of its public records a written statement which shall include a provision setting forth the financial limits of liability assumed by the governmental entity, those limits to be no less than the limits imposed in this Act, and a provision setting forth the scope of the liability assumed by the governmental entity, that scope to be no less than that imposed in this Act.

Effective July 13, 1982.

CHAPTER 603

H.P. 1882 - L.D. 1875

AN ACT Concerning Look-alike Drugs.

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

Sec. 1. 17-A MRSA §1101, sub-§§19 and 20 are enacted to read:

19. "Imitation scheduled drug," a substance that is not a scheduled drug and which was not obtained by valid medical prescription, but which, by dosage unit appearance or by representations made, would lead a reasonable person to believe that the substance was a scheduled drug.

20. "Dosage unit," that unit of measurement which is equivalent to an average adult dose.

Sec. 2. 17-A MRSA §1116 is enacted to read:

§1116. Trafficking or furnishing imitation scheduled drugs

1. A person is guilty of trafficking in or furnishing imitation scheduled drugs if he intentionally or knowingly trafficks in or furnishes an imitation scheduled drug, unless the conduct which constitutes such trafficking or furnishing is expressly made a civil violation by Title 22, section 2383-A.

2. A person shall be presumed to be trafficking in or furnishing imitation scheduled drugs if he intentionally or knowingly possesses 100 or more tablets, capsules or other dosage units of imitation scheduled drugs.

3. Trafficking in or furnishing imitation scheduled drugs is a Class E crime, except that trafficking in or furnishing imitation scheduled drugs by a person 18 years of age or older to a person under 18 years of age is a Class D crime.

4. A 2nd or subsequent violation of Title 22, section 2383-A is a Class E crime.

5. In determining whether the appearance of a dosage unit of an imitation scheduled drug would lead a reasonable person to believe the substance was a scheduled drug, as required by section 1101, subsection 19, the court shall consider, but is not limited to considering, the following:

A. In the case of a substance in tablet, capsule or other solid form, whether the size, shape and color are substantially similar to that of a specific scheduled drug, and in the case of a substance in powdered or liquid form, whether the color, consistency and appearance are substantially similar to that of a specific

scheduled drug;

B. Whether the markings on each dosage unit are substantially similar to those on a specific scheduled drug; and

C. Whether the packaging of, or the labeling of a container containing the substance, bears markings or printed material substantially similar to that accompanying or containing a specific scheduled drug.

6. This section shall not apply to:

A. Law enforcement officers acting in the course and legitimate scope of their employment;

B. Persons who manufacture, process, package, distribute or sell imitation scheduled drugs solely for or to licensed medical practitioners for use as placebos in the course of professional practice or research; and

C. Licensed medical practitioners, pharmacists and other persons authorized to dispense or administer scheduled drugs who are acting in the legitimate performance of their professional licenses.

Sec. 3. 22 MRSA c. 558, first 2 lines, as enacted by PL 1969, c. 443, §7, are repealed and the following enacted in their place:

CHAPTER 558

MARIJUANA AND IMITATION

SCHEDULED DRUGS

Sec. 4. 22 MRSA §2383-A is enacted to read:

§2383-A. Possession of imitation scheduled drugs

Possession of fewer than 100 tablets, capsules or other dosage units of imitation scheduled drugs, as defined in Title 17-A, section 1101, subsection 19, constitutes a civil violation for which a forfeiture of not more than \$200 may be adjudged. In determining whether the substance is an imitation scheduled drug, the court shall apply Title 17-A, section 1116, subsection 5. An imitation scheduled drug is declared to be contraband and may be seized by the State.

Effective July 13, 1982.