

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 THIRTEENTH LEGISLATURE

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987

and the

SECOND REGULAR SESSION

January 6, 1988 to May 5, 1988

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Twin City Printery
Lewiston, Maine
1988

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST AND SECOND SPECIAL SESSIONS
and
SECOND REGULAR SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

7. Abuse allegations in correctional facilities. The commissioner shall be responsible for ensuring appropriate intervention and remediation in cases of substantiated abuse and neglect in correctional facilities. The commissioner shall ensure, through inspection at least every 2 years, that all correctional facilities meet applicable federal and state standards relating to the health and safety of clients of these facilities.

8. Allegations of child abuse or neglect in correctional facilities. The commissioner shall be responsible for the investigation of all reports of suspected child abuse or neglect in correctional facilities.

A. These investigations shall be conducted with the Department of Human Services, as appropriate, and, in cases where there are allegations or indications of criminal conduct, with the Department of the Attorney General, as appropriate.

B. The commissioner shall negotiate joint working agreements with the Department of Human Services and the Department of the Attorney General concerning procedures and respective responsibilities for conducting investigations of allegations of child abuse or neglect in correctional facilities.

Sec. 12. 34-B MRSA §1203, sub-§7 is enacted to read:

7. Abuse allegations in state institutions. The commissioner shall be responsible for ensuring appropriate intervention and remediation in cases of substantiated abuse and neglect in state institutions. The commissioner shall ensure, through inspection on a periodic basis, that all state institutions meet appropriate federal and state standards relating to the health, safety and welfare of clients of these institutions.

Sec. 13. 34-B MRSA §1205, sub-§1, as enacted by PL 1983, c. 459, §7, is amended to read:

1. Establishment. The Office of Advocacy is established within the department to investigate the claims and grievances of clients of the department, to investigate with the Department of Human Services, as appropriate, all allegations of adult and child abuse in state institutions and to advocate for compliance by any institution, other facility or agency administered by the department with all laws, administrative rules and institutional and other policies relating to the rights and dignity of clients.

Sec. 14. 34-B MRSA §1205, sub-§3, ¶C and D, as enacted by PL 1983, c. 459, §7, are amended to read:

C. As an information source regarding the rights of all clients, keep itself informed about all laws, administrative rules and institutional and other policies relating to the rights and dignity of the clients and about relevant legal decisions and other developments related to the field of mental health and mental retarded

tion, both in this State and in other parts of the country; and

D. Make and publish reports necessary to the performance of the duties described in this section, except that only the chief advocate may report any findings of the office to groups outside the department, such as legislative bodies, advisory committees to the Governor, boards of visitors, law enforcement agencies and the press; and

Sec. 15. 34-B MRSA §1205, sub-§3, ¶E is enacted to read:

E. Negotiate joint working agreements with the Department of Human Services concerning procedures and respective responsibilities for conducting investigations in state institutions of allegations of abuse pursuant to the Child and Family Services and Child Protection Act, Title 22, chapter 1071.

Sec. 16. Report to the Legislature. The Department of Human Services and the Department of Educational and Cultural Services shall report to the Joint Standing Committee on Audit and Program Review by September 1, 1988 regarding the provisions in place to ensure the confidentiality of information disclosed pursuant to the Maine Revised Statutes, Title 22, section 4008, subsection 3, paragraph F.

Effective August 4, 1988.

CHAPTER 745

H.P. 1786 — L.D. 2447

AN ACT to Revise Exemptions Under the Law Relating to the Commercial Transport of Water.

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

Sec. 1. 22 MRSA §2660-A, sub-§2, as enacted by PL 1987, c. 531, §1, is repealed and the following enacted in its place:

2. Exceptions. The prohibition in this section does not apply to:

A. Any water utility as defined in Title 35-A;

B. Water transported for use in well drilling, construction activities, concrete mixing, swimming pool filling, servicing portable toilets, firefighting, hospital operations, aquaculture, agricultural applications or civil emergencies;

C. Water distilled as a by-product of a manufacturing process; and

D. Water transported from a water source that be-

fore July 1, 1987, was used to supply water for bottling and sale, and which is used exclusively for bottling and is sold in its pure form or as a carbonated or flavored beverage product.

Sec. 2. 22 MRSA §2660-A, sub-§3-A is enacted to read:

3-A. Conditions of authorization. Notwithstanding Title 1, section 302, the exceptions authorized in subsection 2 and any authorization granted under subsection 3 shall be subject to future legislative limitations of the right to transport water.

Effective August 4, 1988.

CHAPTER 746

S.P. 800 — L.D. 2101

AN ACT to Include Drugs for Treatment of Chronic Obstructive Lung Disease in the Elderly Low-Cost Drug Program.

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

22 MRSA §254, first paragraph, as amended by PL 1983, c. 290, is repealed and the following enacted in its place:

The Department of Human Services may conduct a program to provide low-cost prescription and non-prescription drugs, medication and medical supplies to disadvantaged, elderly individuals. In any year in which this program is conducted, it shall include any prescription drugs used for the treatment of chronic obstructive lung disease. To fund the addition of drugs for this ailment, the amount that a recipient pays toward the cost of any covered purchase shall be \$3. If the initial projections for expenditures in the chronic obstructive lung disease program indicate that funding for the total program will be inadequate for the remainder of the fiscal year, that part of the program dealing with chronic obstructive lung disease shall be discontinued for the remainder of the fiscal year. The department shall keep cost and utilization records necessary to evaluate the chronic obstructive lung disease program and report on this program to the Legislature by January 1989.

In any year in which this program is conducted, it shall also include antiarthritic drugs and the amount that a recipient pays toward the cost of any such covered purchase shall be \$10.

The commissioner shall provide for sufficient personnel to ensure efficient administration of the program. The extent and the magnitude of the program shall be determined by the commissioner on the basis of the calculated need of the recipient population and the available funds. The department may not spend more

on this program than is available through appropriations from the General Fund, dedicated revenue, federal or other grants and other established and committed funding sources. The commissioner may accept, for the purposes of carrying out this program, federal funds appropriated under any federal law relating to the furnishing of free or low-cost drugs to disadvantaged, elderly individuals and may take such action as is necessary for the purposes of carrying out that federal law and may accept from any other agency of government, individual, group or corporation such funds as may be available to carry out this chapter.

Effective August 4, 1988.

CHAPTER 747

S.P. 761 — L.D. 2024

AN ACT to Prohibit the Sale of the Substances Butyl Nitrite and Isobutyl Nitrite, Commonly Referred to as "Rush" or "Lockerroom."

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

Whereas, the use of butyl nitrite and isobutyl nitrite as aphrodisiacs, stimulants and psychedelic agents is a serious problem in Maine and causes unhealthy side effects, including nosebleeds and headaches, and is also psychologically addictive; 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 §1102, sub-§4, ¶C, as enacted by PL 1975, c. 499, §1, is amended to read:

C. All nonprescription drugs other than those included in schedules W, X or Y as the Board of Pharmacy shall duly designate;

Sec. 2. 17-A MRSA §1102, sub-§4, ¶D is enacted to read:

D. Butyl nitrite or isobutyl nitrite.

Sec. 3. 22 MRSA §2383, as repealed and replaced by PL 1975, c. 499, §51, is repealed and the following enacted in its place:

§2383. Possession

1. Marijuana. Possession of a usable amount of marijuana is a civil violation for which a forfeiture of not more than \$200 may be adjudged.