

# MAINE STATE LEGISLATURE

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**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.

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Twin City Printery  
Lewiston, Maine  
1988

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**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

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22 MRSA §254, first paragraph, as amended by PL 1983, c. 290, is repealed and the following enacted in its place: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