

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 FOURTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
SEPTEMBER 30, 1989

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

J.S. McCarthy Company
Augusta, Maine
1989

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

maintained and the provisions for evaluating the services provided.

Sec. 23. 22 MRSA §6204, sub-§1, as enacted by PL 1983, c. 545, §1, is amended to read:

1. **Adult day care.** Thirty-two individuals may be served in adult day care during the demonstration. The Bureau of ~~Maine's Elderly~~ Elder and Adult Services shall establish criteria for making awards for adult day care, with provisions to allow adult day care demonstrations in each of the 5 regions of the State.

See title page for effective date.

CHAPTER 330

S.P. 506 - L.D. 1394

An Act Making Changes to the Composition of the Governor's Advisory Council on Alcoholism

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

Sec. 1. 22 MRSA §7108, first ¶, as amended by PL 1983, c. 464, §13, is further amended to read:

The council shall consist of no more than ~~25~~ 30 members who, excepting members representing the Legislature, shall be appointed by the Governor. To be qualified to serve, members shall have education, training, experience, knowledge, expertise and interest in drug abuse prevention and training. Members shall be residents of different geographical areas of the State, who reflect experiential diversity and concern for drug abuse prevention and treatment in the State.

Sec. 2. 22 MRSA §7108, 3rd ¶, as amended by PL 1983, c. 464, §13, is further amended to read:

Membership shall include representatives of non-governmental organizations or groups and of public agencies concerned with prevention and treatment of alcoholism, alcohol abuse, drug abuse and drug dependence. At least 2 members of the council shall be current members of the Legislature, consisting of one ~~Member member~~ Member member from the House of Representatives appointed by the Speaker of the House of Representatives to serve at ~~his~~ the Speaker's pleasure and one ~~Member member~~ Member member from the Senate appointed by the President of the Senate to serve at ~~his~~ the President's pleasure. Two of the private citizen members shall be between the ages of 16 and 21. At least ~~4~~ 2 members shall be officials of public or private nonprofit community level agencies who are actively engaged in drug abuse prevention or treatment in public or private nonprofit community agencies ~~or members of the regional alcohol and drug abuse councils located throughout the State.~~ One of the private citizen members shall be the President or the President's designee of the National Council of on Alcoholism in this State ~~Maine, Incorporated.~~ Memberships shall include the executive direc-

tors or the executive directors' designees of the 5 regional alcohol and drug abuse councils located throughout the State. Membership may also include, but not be limited to, representatives of professions such as law, law enforcement, medicine, pharmacy, the insurance industry, businesses with employee assistance programs and teaching. Membership shall also include at least 2 representatives of public education, 2 representatives from the field of mental health and mental retardation, 2 representatives from the field of corrections and criminal justice and 2 representatives from the field of social services. Appointments to the council shall be made so as to insure that at least 6 members shall be persons affected by or recovered from alcoholism, chronic intoxication, drug abuse or drug dependency, having evidenced a minimum of 3 years of sobriety or abstinence from drug abuse.

See title page for effective date.

CHAPTER 331

S.P. 501 - L.D. 1375

An Act Regarding the Potential Health Hazards of Paint Removal by Means of Heat

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

22 MRSA §1317-B, as enacted by PL 1975, c. 239, §4, is amended to read:

§1317-B. Educational and publicity program

The commissioner shall institute an educational and publicity program in order to inform the general public of the dangers, frequency and sources of lead poisoning, and the methods of preventing such poisoning. The program shall include, but not be limited to, information warning the public that fire hazards and toxic and harmful fumes may be created by the use of gas, propane gas, electricity or other heat generating mechanisms to remove lead-based substances from painted surfaces.

See title page for effective date.

CHAPTER 332

H.P. 884 - L.D. 1228

An Act to Clarify the Authority of Personal Care Assistants under the Supervision of Persons in a Consumer-directed Services Program

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

22 MRSA §7302, sub-§8, as enacted by PL 1981, c. 511, §1, is amended to read:

8. **Personal care assistant.** "Personal care assistant" means an individual who has completed a training course of at least 40 hours, which includes, but is not limited to, instruction in basic personal care procedures, such as those listed in subsection 7, first aid and handling of emergencies; or an individual who meets competency requirements, as determined by the department or its designee. Nothing in Title 32, chapter 31, may be interpreted to require that a personal care assistant be licensed under that chapter or supervised by a person licensed under that chapter.

See title page for effective date.

CHAPTER 333

H.P. 804 - L.D. 1116

An Act to Increase the Penalty for Drug Crimes Committed while in Possession of a Firearm

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

Sec. 1. 17-A MRSA §1105, sub-§1, ¶A and B, as enacted by PL 1987, c. 535, §3, are amended to read:

A. In violation of section 1103, 1104 or 1106, ~~he~~ the person trafficks with or furnishes to a child, in fact, under 18 years of age a scheduled drug; ~~or~~

B. ~~He~~ The person violates section 1103, 1104 or 1106, and, at the time of the offense, ~~he~~ has been convicted of any offense under this chapter punishable by a term of imprisonment of more than one year, or under any law of the United States or of another state relating to scheduled drugs, as defined in this chapter, and punishable by a term of imprisonment of more than one year. For purposes of this paragraph, a person shall have been convicted of an offense on the date the judgment of conviction was entered by the trial court; ~~or~~

Sec. 2. 17-A MRSA §1105, sub-§1, ¶C is enacted to read:

C. A person violates section 1103, 1104 or 1105, and, at the time of the offense, the person uses, carries, possesses or is armed with a firearm.

See title page for effective date.

CHAPTER 334

H.P. 795 - L.D. 1107

An Act to Clarify the Definitions of Cocaine and Heroin

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

Sec. 1. 17-A MRSA §1102, sub-§1, ¶F, as enacted by PL 1975, c. 499, §1, is repealed and the following enacted in its place:

F. Coca leaves except coca leaves and extracts of coca leaves from which cocaine, ecgonine and derivatives of ecgonine or their salts have been removed; cocaine, its salts, optical and geometric isomers and salts of isomers; ecgonine, its derivatives, their salts, isomers and salts of isomers; or any compound, mixture or preparation of which contains any quantity of any of the substances referred to in this paragraph;

Sec. 2. 17-A MRSA §1102, sub-§1, ¶I, as enacted by PL 1975, c. 499, §1, is amended to read:

I. Unless listed or described in another schedule, all narcotic drugs, including, but not limited to, heroin (diacetylmorphine), methadone, pethidine, morphine and opium. As used in this chapter, "heroin" means any compound, mixture or preparation containing heroin.

Sec. 3. 17-A MRSA §1103, sub-§4, as amended by PL 1987, c. 535, §2, is repealed.

Sec. 4. 17-A MRSA §1106, sub-§4, as amended by PL 1987, c. 535, §5, is repealed.

See title page for effective date.

CHAPTER 335

S.P. 408 - L.D. 1074

An Act Relating to the Maine Commission on Mental Health

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

Whereas, there is an error and an oversight in the current law relating to the Maine Commission on Mental Health which affects the commission's ability to report on, respond to and make recommendations about needed reforms; and

Whereas, the commission has been charged with making an independent evaluation of the programs and services provided by the Department of Mental Health and Mental Retardation; and

Whereas, the current law does not provide the commission with adequate powers to sufficiently perform this task; and