

MAINE STATE LEGISLATURE

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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
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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