

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 1994 to June 30, 1995

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 29, 1995

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
1995

contains an alcoholic beverage bottled prior to April 1, 1992; or

Sec. 5. 32 MRSA §1734, sub-§4 is enacted to read:

4. Packaging and packaging components; reused. Packages and packaging may be reused under the following conditions.

A. Packages and packaging components that exceed contaminant levels set forth in section 1733 may be reused if the product being conveyed by the package or packaging component is regulated under federal or state health or safety requirements; if transportation of the packaged product is regulated under federal or state transportation requirements; and if disposal of the package is performed according to federal or state radioactive or hazardous waste disposal requirements.

B. Packages and packaging components having a controlled distribution that exceed the contaminant levels set forth in section 1733 may be reused if the manufacturer or distributor of the packages or packaging components petitions the agency for exemption and receives approval from the agency according to standards set by the agency and based upon satisfactory demonstrations that the environmental benefit of the controlled distribution and reuse is significantly greater than the same package manufactured in compliance with the contaminant levels set forth in section 1733.

C. This subsection is repealed January 1, 2000.

See title page for effective date.

CHAPTER 185

S.P. 419 - L.D. 1142

An Act Regarding Abandoned Prescription Drugs at State Facilities

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

Sec. 1. 33 MRSA §1819, as enacted by PL 1987, c. 691, §4, is amended to read:

§1819. Tangible property held by state institutions

1. Presumption of abandonment. Tangible and intangible property other than prescription drugs held by an institution under the control of the Department of Mental Health and Mental Retardation ~~and~~ or the Department of Corrections that has been left by a patient or inmate ~~shall be~~ is presumed

abandoned if it ~~has is not been~~ claimed within 2 years after the patient's or inmate's discharge from, or death while residing in, the institution. Prescription drugs held by an institution under the control of the Department of Mental Health and Mental Retardation or the Department of Corrections that are left by a patient or inmate are presumed abandoned upon the death of the patient or inmate or if the drugs are not claimed within 30 days of the patient's or inmate's admission to the institution.

2. Reducing tangible property to cash. Tangible property other than prescription drugs presumed ~~to be~~ abandoned under this section may be sold by the head of the institution at public auction if the fair market value of all property left at that institution by the patient or inmate is less than \$1,000.

A. At least 14 days prior to sale, the head of the institution shall give notice to the owner:

- (1) Either personally or by certified mail; or
- (2) If that notice cannot be given after one reasonable attempt to do so, by publication in a newspaper of general circulation in the county in which the institution is located.

The notice ~~shall~~ must give a description of the property, the institution at which it was left, the time and place of sale and the right to claim the property.

B. The owner may claim this property at any time prior to actual sale.

C. After sale, the head of the institution shall record the name of the owner prior to the sale, a description of the property, the institution at which it was left and the proceeds of the sale.

D. The proceeds of the sale and the records of the sale ~~shall~~ must be reported and delivered to the administrator as if they were the property presumed abandoned.

3. Prescription drugs. Prescription drugs that are presumed abandoned under subsection 1 may be disposed of in accordance with rules established by the Board of Commissioners of the Profession of Pharmacy.

See title page for effective date.