

# 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**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1995**

D. Law enforcement officers while acting within the scope of their employment and official duties; and

E. Physicians, dentists, podiatrists, pharmacists or other persons authorized by law or rule to administer, dispense, prescribe or sell scheduled or prescription drugs or controlled substances, while acting within the course of their professional practice.

**3. Definitions.** As used in this section, the term "prescription drug" has the same meaning as specified in Title 32, section 13702, subsection 24, and includes so-called "legend drugs," unless the context otherwise indicates, the following terms have the following meanings.

A. "Controlled substances" has the same meaning as defined in 21 United States Code, Section 812 (1970) and 21 Code of Federal Regulations, Chapter II, Part 1308.

B. "Law enforcement officer" has the same meaning as defined in Title 17-A, section 2, subsection 17.

C. "Prescription drugs" has the same meaning as defined in Title 32, section 13702, subsection 24 and includes so-called legend drugs.

D. "Scheduled drug" has the same meaning as defined in Title 17-A, chapter 45.

**4. Specially restricted drugs and substances.**

The possession, receipt and dispensing of scheduled or prescription drugs and controlled substances are subject to the provisions of this subsection.

A. A person may not intentionally or knowingly possess any of the following scheduled or prescription drugs or controlled substances unless the drug or substance has been prescribed, dispensed or sold by a medical practitioner expressly licensed or authorized in this State for that purpose pursuant to Title 5, section 20005, 20024 or 20075 or by rule or licensed or authorized under another state or foreign country:

(1) Methadone;

(2) Methadone hydrochloride;

(3) Levo-alpha-acetyl-methadol, also known as LAAM; and

(4) Any other scheduled or prescription drug or controlled substance as approved or specified in 21 Code of Federal Regulations, Chapter I, Part 291.

B. The possession, receipt and dispensing of drugs and substances identified in paragraph A under a prescription or authorization issued in another state or country must meet the requirements of this paragraph.

(1) A person may not possess, receive or be dispensed at any one time or in the aggregate a drug or substance in an amount greater than the amount required for maintenance of approved legitimate medical treatment for that person for 3 weeks unless authorized by a person expressly licensed or authorized in this State.

(2) The Office of Substance Abuse and the Board of Commissioners of the Profession of Pharmacy shall adopt rules governing the amount of any scheduled or prescription drug or controlled substance identified in paragraph A that may be dispensed in this State under a prescription or order issued in another jurisdiction.

**Sec. 4. 32 MRSA §13723, sub-§7, ¶C** is enacted to read:

C. In addition to the investigatory powers granted by this subsection to other entities, the Department of Human Services and the Office of Substance Abuse may investigate and inspect the premises of a treatment provider under the 3-year demonstration project on long-term methadone and other narcotic drug detoxification and maintenance treatment established under Title 5, section 20053 and require the production of information to determine compliance with applicable law and rules.

**Sec. 5. Effective date.** This Act takes effect October 15, 1995.

Effective October 15, 1995.

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## CHAPTER 500

H.P. 1146 - L.D. 1586

### An Act to Revise the Salaries of Certain County Officers

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

**Whereas,** it has become necessary to revise the salaries of certain county officials; and

**Whereas,** it is desired to have these revisions retroactive to January 1, 1995; 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. 30-A MRSA §2, sub-§1-B,** as corrected by RR 1993, c. 2, §25, is repealed and the following enacted in its place:

**1-B. County officers' salaries.** Notwithstanding other sections of this chapter, counties that are not required to obtain legislative approval of their budgets under section 702 are not required to obtain legislative approval of the salaries of county officers under this section. The county commissioners, treasurers, sheriffs, judges of probate, registers of probate and registers of deeds in those counties whose budgets require legislative approval under section 702 are entitled to receive in weekly, biweekly or monthly payments annual salaries from the county treasury as follows:

	<u>1994</u>	<u>1995</u>
<b>A. Androscoggin County:</b>		
<b>(1) Commissioners</b>		
(a) Chair	<u>\$6,536</u>	<u>\$6,536</u>
(b) Members	<u>5,595</u>	<u>5,595</u>
<b>(2) Treasurer</b>	<u>21,007</u>	<u>21,007</u>
<b>(3) Sheriff</b>	<u>30,955</u>	<u>30,955</u>
<b>(4) Judge of Probate</b>	<u>12,689</u>	<u>12,689</u>
<b>(5) Register of Probate</b>	<u>10,712</u>	<u>10,712</u>
<b>(6) Register of Deeds</b>	<u>27,495</u>	<u>27,495</u>

**B. Kennebec County:**

**(1) Commissioners**

(a) Chair	<u>\$7,152</u>	<u>\$7,438</u>
(b) Members	<u>6,744</u>	<u>7,014</u>
<b>(2) Treasurer</b>	<u>9,452</u>	<u>9,452</u>
<b>(3) Sheriff</b>	<u>34,196</u>	<u>35,906</u>
<b>(4) Judge of Probate</b>	<u>17,510</u>	<u>18,210</u>
<b>(5) Register of Probate</b>	<u>23,030</u>	<u>23,951</u>
<b>(6) Register of Deeds</b>	<u>24,102</u>	<u>25,066</u>

**C. Penobscot County:**

<b>(1) Commissioners</b>		
(a) Chair	<u>\$8,496</u>	<u>\$8,752</u>
(b) Members	<u>8,109</u>	<u>8,353</u>
<b>(2) Treasurer</b>	<u>3,848</u>	<u>3,963</u>
<b>(3) Sheriff</b>	<u>37,000</u>	<u>40,111</u>
<b>(4) Judge of Probate</b>	<u>22,729</u>	<u>23,412</u>
<b>(5) Register of Probate</b>	<u>23,299</u>	<u>23,999</u>
<b>(6) Register of Deeds</b>	<u>21,500</u>	<u>22,146</u>

**D. Piscataquis County:**

<b>(1) Commissioners</b>		
(a) Chair	<u>\$6,090</u>	<u>\$6,090</u>
(b) Members	<u>5,250</u>	<u>5,250</u>
<b>(2) Treasurer</b>	<u>6,930</u>	<u>6,930</u>
<b>(3) Sheriff</b>	<u>29,400</u>	<u>29,400</u>
<b>(4) Judge of Probate</b>	<u>14,516</u>	<u>14,516</u>
<b>(5) Register of Probate</b>	<u>17,102</u>	<u>17,102</u>
<b>(6) Register of Deeds</b>	<u>18,900</u>	<u>18,900</u>

**Sec. 2. Retroactivity.** This Act applies retroactively to January 1, 1995.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved and applies retroactively to January 1, 1995.

Effective July 3, 1995.