

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 6, 2006 to June 21, 2007**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 20, 2007**

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

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2007**

**CHAPTER 119**  
**H.P. 1210 - L.D. 1727**

**An Act To Require  
Veterinarians To Notify the  
Department of Agriculture,  
Food and Rural Resources of  
Rabies Vaccinations of Dogs**

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

**Sec. 1. 7 MRSA §3916, sub-§2-A** is enacted to read:

**2-A. Notice to department.** A veterinarian who issues a certificate of rabies vaccination for a dog pursuant to subsection 2 shall, within 30 days of issuing the certificate, forward by mail, e-mail or fax a copy of that certificate to the department. The department shall send a copy of the certificate by mail, e-mail or fax to the clerk of the municipality in which the owner resides. If the owner resides in the unorganized territory, the department shall send a copy of the certificate to the dog recorder in that unorganized territory or, in the absence of a duly authorized dog recorder, to the dog recorder in the nearest municipality or unorganized territory in the same county in which the owner resides. The department may retain a copy or electronic record of the rabies certificate. The department may accumulate certificates received and distribute them periodically to the appropriate municipalities and dog recorders. Distributions must be made no fewer than 4 times a year.

**Sec. 2. Commissioner to provide information.** Within 15 days of the effective date of this Act, the Commissioner of Agriculture, Food and Rural Resources shall send a letter to veterinarians and the Maine Veterinary Medical Association explaining the new law and providing an e-mail address, a fax number and a mailing address to use when submitting copies of rabies certificates to the Department of Agriculture, Food and Rural Resources.

See title page for effective date.

**CHAPTER 120**  
**H.P. 64 - L.D. 66**

**An Act To Prohibit the  
Transfer of Salvia Divinorum  
to Minors and To Prohibit  
Possession of Salvia Divinorum  
by Minors**

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

**Sec. 1. 17 MRSA c. 70** is enacted to read:

**CHAPTER 70**  
**SALVIA DIVINORUM**

**§2011. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Minor.** "Minor" means a person who has not attained 18 years of age.

**2. Person.** "Person" means an individual, corporation, partnership or unincorporated association.

**3. Salvia divinorum.** "Salvia divinorum" means the herb Salvia divinorum and includes Salvinorin A and Divinorin A.

**4. Transfer.** "Transfer" means to sell, furnish, give, lend, deliver or otherwise provide with or without consideration.

**§2012. Unlawful transfer of Salvia divinorum to a minor**

**1. Violation.** A person may not transfer Salvia divinorum to a minor.

**2. Penalty.** A person who violates this section commits a civil violation for which a fine of not less than \$50 and not more than \$1,500, plus court costs, must be adjudged for any one offense. The fine may not be suspended.

**3. Affirmative defense.** It is an affirmative defense to prosecution for a violation of subsection 1 that the person transferred Salvia divinorum to a minor in reasonable reliance upon a fraudulent proof of age presented by the minor.

**§2013. Unlawful possession or use of Salvia divinorum by a minor**

**1. Violation.** A minor may not:

A. Purchase, possess or use Salvia divinorum;

B. Violate paragraph A after having previously violated this subsection; or

C. Violate paragraph A after having previously violated this subsection 2 or more times.

**2. Penalty.** A minor who violates subsection 1 commits a civil violation for which the following penalties apply.

A. For a violation of subsection 1, paragraph A, a fine of not less than \$100 and not more than \$300 may be imposed. The judge, as an alternative to or in addition to the fine permitted by this paragraph, may assign the minor to perform specified work for the benefit of the State, a municipality or other public entity or a charitable institution.

B. For a violation of subsection 1, paragraph B, a fine of not less than \$200 and not more than \$500