

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

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FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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TITLE 3, SECTION 163-A, SUBSECTION 4.

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

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.

C. For a violation of subsection 1, paragraph C, a fine of \$500 must be imposed and that fine may not be suspended. The judge, in addition to the fine required 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.

§2014. Use of false identification by minors prohibited

1. Use of false identification by minors prohibited. A minor may not:

- A. Offer false identification in an attempt to purchase *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 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.

C. For a violation of subsection 1, paragraph C, a fine of \$500 must be imposed and that fine may not be suspended. The judge, in addition to the fine required 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.

See title page for effective date.

**CHAPTER 121
H.P. 492 - L.D. 643**

**An Act To Clarify Certain
Equipment Provisions for
Motor Vehicles**

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

Sec. 1. 29-A MRSA §1901, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

§1901. General restriction

A person may not use, ~~a vehicle on a public way~~ or sell or equip a vehicle ~~with a lens, muffler, reflector, lighting device, window tinting material or other~~ for use on a public way with aftermarket equipment contrary to this Title or contrary to the rules of the Chief of the State Police.

See title page for effective date.

**CHAPTER 122
H.P. 512 - L.D. 663**

**An Act To Update Absentee
Ballot Procedures**

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

Whereas, domestic partners are not included in the definition of immediate family members for the purposes of requesting an absentee ballot; and

Whereas, many citizens of the State have taken advantage of the domestic partner laws; and

Whereas, these domestic partners are unable to request absentee ballots for their partners under the current law; and

Whereas, the next election will take place before the general effective date of legislation passed by the 123rd Legislature; 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. 21-A MRSA §1, sub-§13-A is enacted to read: