

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

FIRST REGULAR SESSION
December 2, 2020 to March 30, 2021

FIRST SPECIAL SESSION
April 28, 2021 to July 19, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
OCTOBER 18, 2021

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

Augusta, Maine
2021

2. Mandatory minimum fine barring court finding exceptional circumstances. In addition to any other authorized sentencing alternative specified in section 1502, subsection 2 for individuals or section 1502, subsection 7 for organizations, the court shall impose a minimum fine of \$400, none of which may be suspended, except as provided in subsection 3, for an individual convicted of a crime under section 1103; 1104; 1105-A; 1105-B; 1105-C; 1105-D; 1106; 1107-A; 1108; 1109; ~~1110; 1111~~; 1111-A, subsection 4-A; 1116; 1117; or 1118.

Sec. 10. 22 MRSA §2383-B, sub-§2, as amended by PL 2013, c. 266, §§9 and 10, is further amended to read:

2. Others lawfully in possession. Except as otherwise authorized or restricted, the following persons are authorized to possess, furnish and have control of scheduled or prescription drugs, or controlled substances ~~or hypodermic apparatuses~~:

- A. Common carriers or warehouse operators while engaged in lawfully transporting or storing prescription drugs ~~or hypodermic apparatuses~~ or any of their employees acting within the scope of their employment;
- B. Employees or agents of persons lawfully entitled to possession who have temporary, incidental possession while acting within the scope of their employment or agency;
- C. Persons whose possession is for the purpose of aiding public officers in performing their official duties while acting within the scope of their employment or duties;
- D. Law enforcement officers while acting within the scope of their employment and official duties;
- 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 ~~or hypodermic apparatuses~~ while acting within the course of their professional practice; and
- ~~F. With regard to the possession or furnishing of hypodermic apparatuses, persons authorized by the Bureau of Health pursuant to a hypodermic apparatus exchange program, certified under chapter 252-A while acting within the scope of their employment under such programs; and~~
- G. Persons conducting research at a school of pharmacology that is accredited or is a candidate for accreditation in good standing.

Sec. 11. 22 MRSA §2383-B, sub-§6, as amended by PL 2015, c. 27, §1, is repealed.

Sec. 12. 32 MRSA §13787-A, sub-§3, as amended by PL 2003, c. 688, Pt. A, §39, is repealed.

Sec. 13. 32 MRSA §13787-A, sub-§4, as enacted by PL 1993, c. 394, §2, is amended to read:

4. Immunity limited. This section does not limit prosecution for violation of any law prohibiting or regulating the use, possession, dispensing, distribution or promotion of controlled substances, or scheduled drugs ~~or drug paraphernalia~~.

See title page for effective date.

**CHAPTER 435
H.P. 750 - L.D. 1012**

**An Act To Provide Funding for
the Maine Outdoor Heritage
Fund Program**

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

Sec. 1. Transfer. Notwithstanding any provision of law to the contrary, the State Controller shall transfer \$75,000 during fiscal year 2021-22 and \$75,000 during fiscal year 2022-23 from the unappropriated surplus of the General Fund to the Maine Outdoor Heritage Fund established in the Maine Revised Statutes, Title 12, section 10302.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

**INLAND FISHERIES AND WILDLIFE,
DEPARTMENT OF
Maine Outdoor Heritage Fund 0829**

Initiative: Provides an allocation for maintaining, improving and expanding state and local natural resource conservation programs and associated compatible public uses.

OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
All Other	\$75,000	\$75,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$75,000	\$75,000

See title page for effective date.
