

CHAPTER 70

SALVIA DIVINORUM

§2011. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2007, c. 120, §1 (NEW).]

1. Minor. "Minor" means a person who has not attained 18 years of age. [PL 2007, c. 120, §1 (NEW).]

2. Person. "Person" means an individual, corporation, partnership or unincorporated association. [PL 2007, c. 120, §1 (NEW).]

3. Salvia divinorum. "Salvia divinorum" means the herb Salvia divinorum and includes Salvinorin A and Divinorin A. [PL 2007, c. 120, §1 (NEW).]

4. Transfer. "Transfer" means to sell, furnish, give, lend, deliver or otherwise provide with or without consideration. [PL 2007, c. 120, §1 (NEW).]

SECTION HISTORY

PL 2007, c. 120, §1 (NEW).

§2012. Unlawful transfer of Salvia divinorum to a minor

1. Violation. A person may not transfer Salvia divinorum to a minor. [PL 2007, c. 120, §1 (NEW).]

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. [PL 2007, c. 120, §1 (NEW).]

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. [PL 2007, c. 120, §1 (NEW).]

SECTION HISTORY

PL 2007, c. 120, §1 (NEW).

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

1. Violation. A minor may not:

A. Purchase, possess or use Salvia divinorum; [PL 2007, c. 120, §1 (NEW).]

B. Violate paragraph A after having previously violated this subsection; or [PL 2007, c. 120, §1 (NEW).]

C. Violate paragraph A after having previously violated this subsection 2 or more times. [PL 2007, c. 120, §1 (NEW).]

[PL 2007, c. 120, §1 (NEW).]

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. [PL 2007, c. 120, §1 (NEW).]

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. [PL 2007, c. 120, §1 (NEW).]

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. [PL 2007, c. 120, §1 (NEW).]

[PL 2007, c. 120, §1 (NEW).]

SECTION HISTORY

PL 2007, c. 120, §1 (NEW).

§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; [PL 2007, c. 120, §1 (NEW).]

B. Violate paragraph A after having previously violated this subsection; or [PL 2007, c. 120, §1 (NEW).]

C. Violate paragraph A after having previously violated this subsection 2 or more times. [PL 2007, c. 120, §1 (NEW).]

[PL 2007, c. 120, §1 (NEW).]

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. [PL 2007, c. 120, §1 (NEW).]

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. [PL 2007, c. 120, §1 (NEW).]

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. [PL 2007, c. 120, §1 (NEW).]

[PL 2007, c. 120, §1 (NEW).]

SECTION HISTORY

PL 2007, c. 120, §1 (NEW).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the First Regular and First Special Session of the 131st Maine Legislature and is current through November 1, 2023. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.