

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

NEW DRAFT

EIGHTY-SECOND LEGISLATURE

H. P. No. 1286

H. D. No. 518

House of Representatives, April 3, 1925.

Reported by Mr. Dwinal from Committee on Legal Affairs
and laid on table to be printed under joint rules.

CLYDE R. CHAPMAN, Clerk.

STATE OF MAINE

**IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND TWENTY-FIVE**

**AN ACT to Amend Chapter Twenty of the Revised Statutes
Relating to Apothecaries and the Sale of Poisons.**

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

Chapter twenty of the revised statutes of nineteen hundred
2 sixteen is hereby amended by adding thereto the following
3 sections.

'Sect. 31. Each building, place, or tenement which is re-
2 sorted to by habitual users of narcotic drugs for the pur-
3 pose of using such drugs, or which is used for the illegal
4 keeping or sale of the same, shall be deemed a common
5 nuisance.

'Narcotic drugs unlawfully in the possession or under the
2 control of any person, and which are kept and deposited

3 in the state, intended for unlawful sale in the state, and
4 the vessels in which they are contained, are contraband
5 and forfeited to the county in which they are so kept at
6 the time when they are seized under this chapter. And in
7 all cases where an officer may seize narcotic drugs or the
8 vessels containing them, upon a warrant, he may seize the
9 same without a warrant, and keep them in some safe place
10 for a reasonable time until he can procure such warrant.

‘If any person competent to be a witness in civil suits,
2 makes sworn complaint before any judge of a municipal
3 or police court or trial justice, that he believes that narcotic
4 drugs are unlawfully kept or deposited in any place in the
5 state by any person, or that the same are intended for sale
6 within the state in violation of law, such magistrate shall
7 issue his warrant directed to any officer having power to
8 serve criminal process, commanding him to search the
9 premises described and specially designated in such com-
10 plaint and warrant, and if said narcotic drugs are there
11 found, to seize the same, with the vessels in which they
12 are contained, and them safely keep until final action there-
13 on, and make immediate return of said warrant. The name
14 of the person so keeping said drugs as aforesaid, if known
15 to the complainant, shall be stated in such complaint, and
16 the officer shall be commanded by said warrant, if he find
17 said drugs, to arrest said person and hold him to answer
18 as having in possession said drugs as aforesaid. Any per-
19 son who may be suspected of unlawfully having in his pos-

20 session, or selling from, or keeping for illegal sale in his
21 pockets, narcotic drugs, may be searched in the same man-
22 ner and by the same process as is provided for the search
23 of places, and if drugs are found upon his person, may be
24 held to answer as though such drugs were kept and de-
25 posited by him in any place. If narcotic drugs are in any
26 manner destroyed by the tenant, assistant or other person,
27 when premises are about to be searched, manifestly for the
28 purpose of preventing their seizure by officers authorized
29 to make such search and seizure, such drugs may be held
30 to have been unlawfully in possession, and the penalties
31 shall be the same as if said drugs had been seized. If the
32 name of the person keeping such drugs is unknown to the
33 complainant, he shall so allege in his complaint, and the
34 magistrate shall thereupon issue his warrant as provided
35 in the first sentence of this section. If upon trial, the court
36 is of the opinion that the drug was possessed as aforesaid,
37 or intended for unlawful sale, by the person named in said
38 complaint, or by any other person with his knowledge or
39 consent, he shall be found guilty thereof, and sentenced to
40 a fine of not less than one hundred nor more than five
41 hundred dollars and costs and in addition thereto be im-
42 prisoned not less than two nor more than six months, and in
43 default of payment of said fine and costs he shall be im-
44 prisoned six months additional.

‘Sect. 32. No warrant shall be issued to search a dwelling
2 house occupied as such, unless it, or some part of it, is used

3 as an inn or shop, or for purposes of traffic, or unless the
4 magistrate before whom the complaint is made, is satisfied
5 by evidence presented to him, and so alleges in said warrant,
6 that narcotic drugs are kept in such house or its appurten-
7 ances in the manner, or for the purposes aforesaid, in viola-
8 tion of law.

‘Sect. 33. The forms set forth in section fifty-four of
2 chapter one hundred and twenty-seven of the revised stat-
3 utes, when changed by substituting the words “narcotic
4 drugs” for the words “intoxicating liquors,” wherever found
5 in the same, together with such other changes therein as
6 further adapt them for use under the provisions of this
7 act, and with such additional changes as adapt them for
8 use in cities, towns and plantations, are sufficient in law,
9 for all cases arising under this act, to which they purport
10 to be adapted.

‘Sect. 34. Under sections thirty-one, thirty-two and thirty-
2 three of this chapter, the term “narcotic drugs” shall mean
3 opium, morphine, heroin, codeine, cannabis indica, cannabis
4 sativa or the salts, compounds or preparations of said sub-
5 stances, cocaine, alpha or beta eucaine or any synthetic
6 substitute for them, or any preparation containing the same
7 or any salts or compounds thereof.’