

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Fifth Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Fifth Legislature
1971

Chapter 471

AN ACT Relating to Hunting, Fishing and Trapping on Indian Tribal Lands.

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

Sec. 1. R. S., T. 12, § 2401-B, sub-§ 7, ¶ A, amended. The first sentence of the 2nd paragraph of paragraph A of subsection 7 of section 2401-B of Title 12 of the Revised Statutes, as enacted by chapter 409 of the public laws of 1971, is amended to read as follows:

After having had full consultation with and the consent of the Commissioner of Inland Fisheries and Game, the tribal governor and council of each reservation shall have the right to govern by tribal ordinance hunting, fishing and trapping ~~by Indians~~ on their respective reservation lands.

Sec. 2. Effective date. This Act shall take effect January 2, 1972.

Effective January 2, 1972

Chapter 472

AN ACT Relating to the Sale of Marijuana.

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

Whereas, certain weaknesses and technical defects in the existing drug laws substantially affect their enforceability; and

Whereas, clarification of certain drug laws is needed to effectively combat the increasing drug abuse problem in the State of Maine; 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. R. S., T. 22, § 2382, sub-§ 1, amended. The first sentence of subsection 1 of section 2382 of Title 22 of the Revised Statutes, as enacted by section 7 of chapter 443 of the public laws of 1969, is amended to read as follows:

"Cannabis," sometimes called marijuana or marihuana, includes all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof, the resin extracted from any part of such plant, and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or resin; but shall not include the mature stocks of such plant, fiber produced from such stocks, oil or cake made from the seeds of such plant, or any other compound, manufacture, salt, derivative, mixture or preparation of such

mature stock, resin extracted therefrom, fiber, oil or cake, or the sterilized seed of such plant which is ~~capable~~ incapable of germination.

Sec. 2. R. S., T. 22, § 2383, sub-§§ 1 and 2, amended. Subsections 1 and 2 of section 2383 of Title 22 of the Revised Statutes, as enacted by section 7 of chapter 443 of the public laws of 1969, are amended to read as follows:

1. Manufacture or possess. Whoever manufactures, cultivates, grows, possesses or has under his control Cannabis, **Mescaline** or Peyote, except as authorized by this chapter, shall be punished, for the first offense, by a fine of not more than \$1,000 and by imprisonment for not more than 11 months; and, for any subsequent offense, by a fine of not more than \$2,000 and by imprisonment for not more than 2 years.

2. Present. Whoever, knowingly, is present where Cannabis, **Mescaline** or Peyote is kept or deposited, or whoever is in the company of a person, knowing that said person is in possession of Cannabis, **Mescaline** or Peyote, shall be punished by a fine of not more than \$1,000 and by imprisonment for not more than 11 months.

Sec. 3. R. S., T. 22, § 2384, repealed and replaced. Section 2384 of Title 22 of the Revised Statutes, as enacted by section 7 of chapter 443 of the public laws of 1969, is repealed and the following enacted in place thereof:

§ 2384. Sale

Whoever sells, exchanges, delivers, barter, gives or furnishes Cannabis, **Mescaline** or Peyote, to any person shall upon conviction thereof be punished by a fine of not more than \$1,000 or by imprisonment for not more than 5 years, or by both, for the first offense; and for a 2nd or subsequent offense, by imprisonment for not less than 2 years nor more than 10 years, for which the imposition or execution of such sentence shall not be suspended and probation not be granted.

Sec. 4. R. S., T. 22, §§ 2385 and 2386, amended. Sections 2385 and 2386 of Title 22 of the Revised Statutes, as enacted by section 7 of chapter 443 of the public laws of 1969, are amended to read as follows:

§ 2385. Persons exempted

The provisions of this chapter restricting the possession of Cannabis, **Mescaline** or Peyote shall not apply to public officers or their employees in the performance of their official duties requiring possession or control of Cannabis, **Mescaline** or Peyote; nor to temporary, incidental possession by persons who are aiding public officers in performing their official duties.

§ 2386. Cannabis, Mescaline and Peyote; contraband

Cannabis, **Mescaline** or Peyote unlawfully in the possession or under the control of any person and which are kept and deposited in the State or intended for unlawful sale or sold in the State, and the vessels in which they are contained, are contraband and forfeited to the State of Maine at the time when they are seized.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.