

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

§ 2212-C. Selling of certain hallucinogenic drugs

Whoever, except the laboratory of the Department of Health and Welfare, sells, exchanges, delivers, barter, gives or furnishes any of the substances listed in section 2212-B shall upon conviction thereof be punished by a fine of not more than \$3,000 or by imprisonment for not more than 10 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 shall not be granted.

Sec. 4. R. S., T. 22, § 2362, repealed and replaced. Section 2362 of Title 22 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 2362. Uses of narcotic drugs

Whoever shall manufacture, possess, have under his control, sell, prescribe, administer, dispense or compound any narcotic drug, except as authorized in this chapter, shall upon conviction thereof be punished by a fine of not more than \$50,000 or by imprisonment for not more than 20 years, or by both for the first offense; and for a 2nd or subsequent offense, by imprisonment for not less than 5 years nor more than 20 years for which the imposition or execution of such sentence shall not be suspended and probation shall not be granted.

Sec. 5. R. S., T. 22, § 2368-A, repealed. Section 2368-A of Title 22 of the Revised Statutes, as enacted by section 8 of chapter 390 of the public laws of 1967 and as amended by section 6 of chapter 443 of the public laws of 1969, is repealed.

Sec. 6. R. S., T. 22, § 2369, amended. The first paragraph of section 2369 of Title 22 of the Revised Statutes, as amended by section 9 of chapter 390 of the public laws of 1967, is further amended to read as follows:

No license shall be issued under section 2368 ~~or section 2368-A~~ unless and until the applicant therefor has furnished proof satisfactory to the Bureau of Health:

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

Effective June 23, 1971

Chapter 488

AN ACT Relating to a Department of Consumer Protection.

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

Sec. 1. R. S., T. 10, c. 901, additional. Title 10 of the Revised Statutes is amended by adding a new chapter 901 to read as follows:

CHAPTER 901
DEPARTMENT OF CONSUMER PROTECTION

§ 8001. Department; commissioner

There is created and established the Department of Consumer Protection to enhance the consumers' benefits from purchase of goods and services, to protect the interests of depositors, investors and purchasers of insurance in the State of Maine and regulate commercial sports in the public interest, to consist of a Commissioner of Consumer Protection appointed by the Governor with the advice and consent of the Council to serve at the pleasure of the Governor and Council, and the following as heretofore created and established: The Department of Banks and Banking, the Department of Insurance, except the Fire Prevention Division thereof, the Division of Consumer Protection of the Department of Agriculture; the Boxing Commission, the Harness Racing Commission, the Running Horse Racing Commission and Real Estate Commission.

Sec. 2. Organization. The Joint Select Special Committee of the Legislature on Governmental Reorganization, with the assistance of the commissioner, shall prepare a plan of organization of the department into such bureaus, divisions and sections as may be necessary to carry out efficiently the work of the department. The committee, with the assistance of the commissioner, shall prepare legislation to be presented to a special session of the 105th Legislature to amend, repeal and rearrange statutes to reflect this department's powers, responsibilities and organization.

Directors of bureaus shall be appointed by the Governor, with the advice and consent of the Council, to serve at the pleasure of the Governor and Council.

The commissioner shall prepare a budget for the department in accordance with the Revised Statutes, Title 5, chapter 149.

The commissioner and the Joint Select Special Committee of the Legislature on Governmental Reorganization may recommend the legislation for the transfer from or to another state department such functions as would appear to properly belong to the other department or to his department. The commissioner shall have no powers or duties relative to the proposed department except those listed in this section.

Sec. 3. Effective date. This Act shall become effective 91 days after adjournment of the Legislature.

Effective September 24, 1971

Chapter 489

AN ACT to Create the Department of Environmental Protection.

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

Sec. 1. R. S., T. 12, Part 7, additional. Title 12 of the Revised Statutes is amended by adding a new Part 7, to read as follows: