

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)

LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE
AT THE

SECOND REGULAR SESSION

January 4, 1978 to April 6, 1978

FIRST SPECIAL SESSION

(No laws enacted)

September 6, 1978 to September 15, 1978

SECOND SPECIAL SESSION

October 18, 1978

THIRD SPECIAL SESSION

December 6, 1978

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

K. J. Printing
Augusta, Maine
1979

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND EIGHTH LEGISLATURE
January 4, 1978 to April 6, 1978

D. To possess with the intent to do any act mentioned in paragraph C, except that possession of **2 pounds or less of marijuana** with such intent shall be deemed furnishing.

Sec. 2. 17-A MRSA § 1103, sub-§ 2, ¶¶ A and B, as enacted by PL 1975, c. 499, § 1, are amended to read:

A. A Class B crime if the drug is a schedule W drug **or if it is marijuana in a quantity of 1,000 pounds or more;**

B. A Class C crime if the drug is a schedule X drug **or if it is marijuana in a quantity of more than 2 pounds; or**

Sec. 3. 17-A MRSA § 1103, sub-§ 3 is enacted to read:

3. A person shall be presumed to be unlawfully trafficking in scheduled drugs if he intentionally or knowingly possesses more than 2 pounds of marijuana.

Effective July 6, 1978

CHAPTER 648

AN ACT to Encourage Early Resolution of Discrimination Complaints and to Clarify the Subpoena Power of the Maine Human Rights Commission.

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

Sec. 1. 5 MRSA § 4566, sub-§§ 4-A and 4-B are enacted to read:

4-A. Subpoena power. Pursuant to a complaint which has been filed in accordance with section 4611 by a person who has been subject to unlawful discrimination, the commission may issue subpoenas; as provided in subsection 4-B, to compel access to or production of premises, records, documents and other evidence or possible sources of evidence or the appearance of persons, provided that there is reasonable cause to believe that those materials or the testimony of the persons are material to the complaint. The commission may not issue subpoenas except as provided in this subsection.

4-B. Subpoenas; approval; contest of validity. Subpoenas shall be issued only upon application to and approval of the Superior Court. The person upon whom the subpoena is served may contest its validity. A judicial review of the subpoenas shall be permissible in any Superior Court.

Sec. 2. 5 MRSA § 4612, sub-§ 1, as amended by PL 1973, c. 415, § 2, is repealed and the following enacted in its place:

1. **Predetermination resolution; investigation.** Upon receipt of such a complaint, the commission or its delegated single commissioner or investigator shall endeavor to resolve the matter by informal means prior to a determination of whether there are reasonable grounds to believe that unlawful discrimination has occurred. The commission or its delegated commissioner or investigator shall conduct such preliminary investigation as it deems necessary to determine whether there are reasonable grounds to believe that unlawful discrimination has occurred. In conducting an investigation, the commission, or its designated representative, shall have access at all reasonable times to premises, records, documents, individuals and other evidence or possible sources of evidence and may examine, record and copy those materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation. The commission may issue subpoenas to compel access to or production of those materials or the appearance of those persons, subject to section 4566, subsections 4-A and 4-B, and may serve interrogatories on a respondent to the same extent as interrogatories served in aid of a civil action in the Superior Court. The commission may administer oaths.

Effective July 6, 1978

CHAPTER 649

AN ACT Relating to the Classification of Drug Offenses.

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

Sec. 1. 17-A MRSA § 1102, sub-§ 1, ¶ J is enacted to read:

J. Phencyclidine

Sec. 2. 17-A MRSA § 1102, sub-§ 2, ¶ C, sub-¶¶ (8) and (9), as enacted by PL 1975, c. 499, § 1, are repealed and the following enacted in their place:

(8) Hashish;

Sec. 3. 17-A MRSA § 1102, sub-§ 2, ¶ J, as enacted by PL 1975, c. 740, § 100, is amended to read:

J. Lysergic acid amide;