

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIRST LEGISLATURE

Legislative Document

No. 55

H. P. 31

House of Representatives, January 9, 1963

Referred to the Committee on Health and Institutional Services, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Pierce of Bucksport.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-THREE

AN ACT Relating to Definition of Narcotic Drug and Exemptions.

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

Sec. 1. R. S., c. 68, § 33, sub-§§ IV, V & XVI, repealed. Subsection IV, V and XVI of section 33 of chapter 68 of the Revised Statutes, are repealed.

Sec. 2. R. S., c. 68, § 33, sub-§ XIV, repealed and replaced. Subsection XIV of section 33 of chapter 68 of the Revised Statutes, as last repealed and replaced by section 68 of chapter 429 of the public laws of 1957, is repealed and the following enacted in place thereof:

‘XIV. Narcotic drug. “Narcotic drug” means any of the following whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

- A. Opium, isonipecaine or coca leaves;**
- B. Any compound, manufacture, salt, derivative or preparation of opium, isonipecaine or coca leaves;**
- C. Marijuana which 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 stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks, ex-**

cept the resin extracted therefrom, fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination;

D. Any substance, and any compound, manufacture, salt, derivative or preparation thereof which is chemically identical with any of the substances referred to in paragraphs A, B or C;

E. Any opiate found to be a narcotic drug by rule or regulation of the Director of Health after reasonable notice and opportunity for hearing. Opiate means any drug or other substance, and any compound, manufacture, salt, derivative or preparation thereof, which has been or may be found by the Secretary of the Treasury of the United States or his delegate, after due notice and opportunity for public hearing to have an addiction-forming or addiction-sustaining liability similar to morphine or cocaine or to be capable of conversion into a drug having such addiction-forming or addiction-sustaining liability, where the relative technical simplicity and degree of yield of such conversion create a risk of improper use and proclaimed by the secretary or his delegate to have been so found in the federal register; but a drug or other substance shall cease to be an opiate for the purposes of this section if such finding is duly withdrawn by the secretary or his delegate.

The words "narcotic drugs" shall not include decocainized coca leaves or extracts of coca leaves, which extracts do not contain cocaine or ecgonine.'

Sec. 3. R. S., c. 68, § 40, amended. The first paragraph of section 40 of chapter 68 of the Revised Statutes is repealed as follows:

~~'Except as otherwise in this chapter specifically provided, the provisions of this chapter shall not apply to the following cases:'~~

Sec. 4. R. S., c. 68, § 40, sub-§ I, repealed and replaced. Sub-section I of section 40 of chapter 68 of the Revised Statutes, as last repealed and replaced by section 70 of chapter 429 of the public laws of 1957, is repealed and the following enacted in place thereof:

I. Exemption by regulation. The Director of Health may by regulation exempt from the application of sections 33 to 51 to such extent as he determines to be consistent with the public welfare, pharmaceutical preparations found by the Director of Health after due notice and opportunity for hearing:

A. Either to possess no addiction-forming or addiction-sustaining liability, or does not possess an addiction-forming or addiction-sustaining liability sufficient to warrant imposition of all of the requirements of sections 33 to 51; and

B. Does not permit recovery of a narcotic drug having such an addiction-forming or addiction-sustaining liability, with such relative technical simplicity and degree of yield as to create a risk of improper use.'

Sec. 5. R. S., c. 68, § 40, sub-§§ I-A - I-B, additional. Section 40 of chapter 68 of the Revised Statutes, as amended, is further amended by adding 2 new subsections to be numbered I-A and I-B, to read as follows:

I-A. Federal narcotic laws. In exercising the authority granted in subsection I, the Director of Health, by regulation and without special findings may grant exempt status to such pharmaceutical preparations as are or may be determined to be exempt under the federal narcotic laws and regulations and permit the administering, dispensing or selling of such preparations under the same conditions as permitted by the federal narcotic laws and regulations.

I-B. Publication to cease exemption. If the Director of Health shall subsequently determine that any exempt pharmaceutical preparation does possess a degree of addiction liability that, in his opinion, results in abusive use, he shall by regulation publish the determination in the state paper. The determination shall be final, and after the expiration of a period of 6 months from the date of its publication, the exempt status shall cease to apply to the particular pharmaceutical preparation.'

Sec. 6. R. S., c. 68, § 40, amended. Section 40 of chapter 68 of the Revised Statutes, as amended, is further amended by inserting before subsection II a new paragraph to read as follows:

'Except as otherwise specifically provided in this chapter, this chapter shall not apply to the following cases:'