

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 743

H. P. 562

House of Representatives, February 11, 1969

Referred to Committee on Judiciary. Sent up for concurrence and 1,000 ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Jalbert of Lewiston.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

AN ACT to Increase the Penalties for the Sale and Possession of Marijuana, and Narcotic and Hallucinatory Drugs.

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

Sec. 1. R. S., T. 17, § 858, amended. Section 858 of Title 17 of the Revised Statutes is amended to read as follows :

§ 858. Selling narcotic drugs to children

Whoever sells, gives, administers or dispenses or conspires to sell, give, administer or dispense marijuana or any substance defined as a narcotic drug under laws of this State, unless prescribed by a physician or otherwise used in case of sickness, to any person under the age of 18 shall be punished by imprisonment for not less than 10 nor more than 20 years and in addition by a fine of not more than ~~\$1,000~~ \$10,000.

The imposition or execution of a sentence for a violation of this section shall not be suspended, and probation or parole shall not be granted until the minimum imprisonment provided for the offense shall have been served.

Sec. 2. R. S., T. 22, § 2380, amended. Section 2380 of Title 22 of the Revised Statutes is amended to read as follows :

§ 2380. Violation of provisions

Whoever violates any provision of this chapter shall upon conviction be punished by a fine of not more than \$1,000 and by imprisonment for not less than 5 nor more than 10 years. For a 2nd offense, or if, in case of a first conviction of violation of any provision of this chapter, the offender shall previously have been convicted of any violation of the laws of the United

States or of any other state, territory or district relating to narcotic drugs or marijuana, the offender shall be punished by a fine of not more than \$2,000 and by imprisonment for not less than ~~5~~ 10 nor more than ~~15~~ 20 years. For a 3rd or subsequent offense, or if the offender shall previously have been convicted 2 or more times in the aggregate of any violation of the laws of the United States or of any other state, territory or district relating to narcotic drugs or marijuana, the offender shall be punished by a fine of not more than \$5,000 and by imprisonment for not less than ~~10~~ 20 nor more than ~~20~~ 40 years.

~~Except in the case of conviction for a first offense for violation of this chapter, the imposition or execution of sentence shall not be suspended. Parole shall not be granted until the minimum imprisonment herein provided for the offense shall have been served.~~

The imposition or execution of a sentence for a violation of this chapter shall not be suspended, and probation or parole shall not be granted until the minimum imprisonment provided for the offense shall have been served.