

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
SENATE  
105TH LEGISLATURE

COMMITTEE AMENDMENT " A" to S. P. 278, L. D. 812, Bill,  
"AN ACT Relating to the Sale of Marijuana."

Amend said Bill by inserting the following before the  
enacting clause:

'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,'

Further amend said Bill by inserting after section 1 the  
following:

'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

(Filing No. §-256)

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.'

Further amend said Bill in the beginning of the 16th line (14th line in L. D.) by striking out the underlined abbreviation and figure "Sec. 2." and inserting in place thereof the following: 'Sec. 3.'

Further amend said Bill by striking out everything after the amending clause in section 2 and inserting in place thereof the following:

§ 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.

Further amend said Bill by adding a new section at the

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end to read as follows:

'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.'

Statement of Fact

This amendment seeks to eliminate a potential inconsistency under existing law because Mescaline is presently treated as an hallucinogenic drug in the felony category and Peyote is classified with marijuana as a misdemeanor for first offense possession. Mescaline is the active agent in Peyote and this

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amendment places Mescaline with Peyote within Title 22, section 2383, et seq.

Reported by the Committee on JUDICIARY.

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