

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1972

H. P. 1529 House of Representatives, January 24, 1972
The Committee on Judiciary suggested. BERTHA W. JOHNSON, Clerk
Presented by Mr. Jalbert of Lewiston.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-TWO

AN ACT Relating to Penalty for Sale of Certain Drugs.

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

Sec. 1. R. S., T. 22, § 2215, amended. The first sentence of section 2215 of Title 22 of the Revised Statutes, as amended, is further amended to read as follows:

Whoever violates any provision of ~~sections section 2201 and 2210~~ or is found to be under the influence of any of the substances enumerated in section 2210 in any street, highway or other public place or is found in possession of any of the substances enumerated in section 2210 shall upon conviction be punished by a fine of not more than \$1,000 or by imprisonment for not more than 2 years, or by both, for each offense.

Sec. 2. R. S., T. 22, § 2215, amended. Section 2215 of Title 22 of the Revised Statutes, as amended, is further amended by adding after the first sentence the following 2 new sentences:

Whoever sells, furnishes or gives away or offers to sell, furnish or give away any of the substances enumerated in section 2210, upon conviction for a first offense, shall be punished by imprisonment for not less than one nor more than 5 years and by a fine of not more than \$1,000; and for a 2nd offense, shall be punished by not less than 5 nor more than 10 years imprisonment and by a fine of not more than \$5,000; and for a 3rd or subsequent offense, shall be punished by not less than 10 years nor more than 40 years imprisonment and by a fine of not more than \$10,000. The imposition or execution of sentences for conviction of selling, furnishing or giving away or offering to

sell, furnish or give away any of the substances enumerated in section 2210 shall not be suspended and probation shall not be granted.

Sec. 3. R. S., T. 22, § 2362, amended. Section 2362 of Title 22 of the Revised Statutes, as repealed and replaced by section 4 of chapter 487 of the public laws of 1971, is amended to read as follows:

§ 2362. Uses of narcotic drugs

Whoever shall ~~manufacture~~ possess or 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. 4. R. S., T. 22, § 2362-C, additional. Title 22 of the Revised Statutes is amended by adding a new section 2362-C to read as follows:

§ 2362-C. Penalty

Whoever shall manufacture, sell, prescribe, administer, dispense or compound any narcotic drug, except as authorized in this chapter, shall upon conviction thereof be punished by imprisonment for not less than one nor more than 5 years and by a fine of not more than \$1,000 for a first offense; and for a 2nd offense by imprisonment for not less than 5 nor more than 10 years and by a fine of not more than \$5,000; and for a 3rd and subsequent offense by imprisonment for not less than 10 nor more than 40 years and by a fine of not more than \$10,000.

The imposition or execution of sentences for violation of this section shall not be suspended and probation shall not be granted.

STATEMENT OF FACT

The purpose of this bill is to increase the severity of the penalties in regard to the selling of narcotic and hallucinogenic drugs.