

MAINE STATE LEGISLATURE

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H. P. 1582

House of Representatives, February 23, 1972

Reported by a Minority of the Committee on Judiciary. Printed under
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BERTHA W. JOHNSON, Clerk

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, § 2210, amended. The first sentence of section 2210 of Title 22 of the Revised Statutes, as amended by section 2 of chapter 390 of the public laws of 1967, is further amended to read as follows:

It shall be unlawful for any person, firm or corporation to sell, furnish or give away or offer to sell, furnish or give away, or have in possession, any drug bearing on its container the legend "Caution—Federal law prohibits dispensing without prescription," any veronal or barbital, or any other salts, derivatives or compounds of barbituric acid, ~~or amphetamines or derivatives or compounds, thereof~~ or any registered, trademarked or copyrighted preparation registered in the United States Patent Office containing the above substance, or any drug designated by the board as a "potent medicinal substance" pursuant to section 2201, ~~or have in possession, furnish or give away, or offer to furnish or give away any amphetamines or derivatives or compounds thereof,~~ except upon the written order or prescription of a physician, surgeon, dentist or veterinary surgeon.

Sec. 2. R. S., T. 22, § 2210-A, additional. Title 22 of the Revised Statutes is amended by adding a new section 2210-A, to read as follows:

§ 2210-A. Sale of amphetamines

It shall be unlawful for any person, firm or corporation to sell or offer to sell, any amphetamines or derivatives or compounds thereof. The persons exempt from the provisions of section 2210 shall be exempt under this section.

Sec. 3. R. S., T. 22, § 2212-C, amended. Section 2212-C of Title 22 of the Revised Statutes, as enacted by section 3 of chapter 487 of the public laws of 1971, is amended to read as follows:

§ 2212-C. Selling of certain hallucinogenic drugs

Whoever, except the laboratory of the Department of Health and Welfare, sells, exchanges, delivers, barter, gives or furnishes any of the substances listed in section 2212-B shall upon conviction thereof be punished by ~~a fine of not more than \$3,000 or by imprisonment for not more than 10 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 shall not be granted~~ not less than one nor more than 5 years imprisonment and by a fine of not more than \$1,000 for the first offense; and for a 2nd offense 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 by not less than 10 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 violation of this section shall not be suspended and probation shall not be granted.

Sec. 4. 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 a new sentence to read as follows:

Whoever violates any provision of section 2210-A 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 for the first offense; 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 by not less than 10 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 violation of section 2210-A shall not be suspended and probation shall not be granted.

Sec. 5. 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. 6. 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 20 years and by a fine of not more than \$50,000 for a first offense; and for a 2nd offense by imprisonment for not less than 5 nor more than 20 years and by a fine of not more than \$50,000, 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 \$50,000.

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