

# MAINE STATE LEGISLATURE

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# ONE HUNDRED AND SEVENTH LEGISLATURE

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Legislative Document

No. 1425

H. P. 1133

House of Representatives, March 24, 1975

Referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Higgins of Scarborough.

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## STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FIVE

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AN ACT to Rationalize the Penalties for Certain Drug Offenses.

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

Sec. 1. 22 MRSA § 2212-C, as last amended by PL 1971, c. 621, § 3, is further amended to read:

§ 2212-C. Exchange or furnishings of certain hallucinogenic drugs

Whoever, except the laboratory of the Department of Health and Welfare, 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~~ and 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.~~ The imposition or execution of sentences for any violation of this section shall not be suspended and probation shall not be granted.

Sec. 2. 22 MRSA § 2383, sub-§ 1, as last repealed and replaced by PL 1973, c. 546, is amended to read:

1. **Manufacture or possess.** Whoever manufactures, cultivates, grows or has under his control in connection with manufacturing, cultivating or growing Cannabis, Mescaline or Peyote or possesses Mescaline or Peyote, except as authorized by this chapter, shall be punished for the first offense by a fine of not more than \$1,000 ~~and~~ or by imprisonment for not more than 11 months, ~~or by both~~; and for any subsequent offense, by a fine of not more than \$2,000 and by imprisonment for not more than 2 years.

Whoever possesses Cannabis, except as authorized by this chapter, shall be punished by a fine of not more than \$1,000 ~~and~~ or by imprisonment for not more than 11 months.

#### STATEMENT OF FACT

This bill rationalizes the penalties for the exchange of certain hallucinogenic drugs and for the possession and manufacture or cultivation of Cannabis, Mescaline or Peyote. This bill lessens the possible penalty for mere possession of Cannabis, makes the possible penalty for manufacture or cultivation of Cannabis, Mescaline or Peyote more flexible and increases the possible penalty for the exchange of certain hallucinogenic drugs.