

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-second Legislature

OF THE

STATE OF MAINE

1925

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

As Passed by the Eighty-second Legislature

**1925**

[supplied from page 1 of volume]

## Chapter 189.

An Act Relating to Apothecaries and the Sale of Poisons.

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

R. S., c. 20; relating to apothecaries and sale of poisons, additional. Chapter twenty of the revised statutes is hereby amended by adding thereto the following sections:

**‘Sec. 31. Buildings resorted to by drug users declared common nuisances; narcotic drugs, contraband; search warrants may be issued; procedure; penalties.** Each building, place or tenement which is resorted to by habitual users of narcotic drugs for the purpose of using such drugs, or which is used for the illegal keeping or sale of the same, shall be deemed a common nuisance.

Narcotic drugs unlawfully in the possession or under the control of any person, and which are kept and deposited in the state, intended for unlawful sale in the state, and the vessels in which they are contained, are contraband and forfeited to the county in which they are so kept at the time when they are seized under this chapter. And in all cases where an officer may seize narcotic drugs or the vessels containing them, upon a warrant, he may seize the same without a warrant, and keep them in some safe place for a reasonable time until he can procure such warrant.

If any person competent to be a witness in civil suits, makes sworn complaint before any judge of a municipal or police court or trial justice, that he believes that narcotic drugs are unlawfully kept or deposited in any place in the state by any person, or that the same are intended for sale within the state in violation of law, such magistrate shall issue his warrant directed to any officer having power to serve criminal process, commanding him to search the premises described and specially designated in such complaint and warrant, and if said narcotic drugs are there found, to seize the same, with the vessels in which they are contained, and them safely keep until final action thereon, and make immediate return of said warrant. The name of the person so keeping said drugs as aforesaid, if known to the complainant, shall be stated in such complaint, and the officer shall be commanded by said warrant, if he finds said drugs, to arrest said person and hold him to answer as having in possession said drugs as aforesaid. Any person who may be suspected of unlawfully having in his possession, or selling from, or keeping for illegal sale in his pockets, narcotic drugs, may be searched in the same manner and by the same process as is provided for the search of places, and if drugs are found upon his person, may be held to answer as though such drugs were kept and deposited by him in any place. If narcotic drugs are in any manner destroyed

by the tenant, assistant or other person, when premises are about to be searched, manifestly for the purpose of preventing their seizure by officers authorized to make such search and seizure, such drugs may be held to have been unlawfully in possession, and the penalties shall be the same as if said drugs had been seized. If the name of the person keeping such drugs is unknown to the complainant, he shall so allege in his complaint, and the magistrate shall thereupon issue his warrant as provided in the first sentence of this paragraph. If upon trial, the court is of the opinion that the drug was possessed as aforesaid, or intended for unlawful sale, by the person named in said complaint, or by any other person with his knowledge or consent, he shall be found guilty thereof, and sentenced to a fine of not less than one hundred nor more than five hundred dollars and costs and in addition thereto be imprisoned not less than two nor more than six months, and in default of payment of said fine and costs he shall be imprisoned six months additional.

**Sec. 32. Dwelling house not to be searched unless part of it is used as an inn or shop unless evidence is presented to satisfy magistrate that drugs are kept therein.** No warrant shall be issued to search a dwelling house occupied as such, unless it, or some part of it, is used as an inn or shop, or for purposes of traffic, or unless the magistrate before whom the complaint is made, is satisfied by evidence presented to him, and so alleges in said warrant, that narcotic drugs are kept in such house or its appurtenances in the manner, or for the purposes aforesaid, in violation of law.

**Sec. 33. Forms provided in intoxicating liquor cases made applicable.** The forms set forth in section fifty-four of chapter one hundred and twenty-seven of the revised statutes, when changed by substituting the words "narcotic drugs" for the words "intoxicating liquors," wherever found in the same, together with such other changes therein as further adapt them for use under the provisions of this act, and with such additional changes as adapt them for use in cities, towns and plantations, are sufficient in law, for all cases arising under this act, to which they purport to be adapted.

**Sec. 34. Term "narcotic drugs" defined.** Under sections thirty-one, thirty-two and thirty-three of this chapter, the term "narcotic drugs" shall mean opium, morphine, heroin, codeine, cannabis indica, cannabis sativa or the salts, compounds or preparations of said substances, cocaine, alpha or beta eucaine or any synthetic substitute for them, or any preparation containing the same or any salts or compounds thereof.