

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Fourth Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
ONE HUNDRED AND FOURTH LEGISLATURE
1969

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Effective October 1, 1969

Chapter 443

AN ACT Controlling the Sale and Possession of Cannabis (Marijuana) and Peyote.

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

Sec. 1. R. S., T. 17, § 858, amended. Section 858 of Title 17 of the Revised Statutes is amended to read as follows:

§ 858. Selling narcotic drugs to children

Whoever sells, gives, administers or dispenses or conspires to sell, give, administer or dispense ~~marijuana~~ or any substance defined as a narcotic drug under laws of this State, unless prescribed by a physician or otherwise used in case of sickness, to any person under the age of 18 shall be punished by imprisonment for not more than 20 years and in addition by a fine of not more than ~~\$7,000~~ \$10,000. Except in the case of a conviction for a first offense for violation of this chapter, the imposition or execution of sentence shall not be suspended. Parole shall not be granted until the minimum imprisonment herein provided for the offense shall have been served.

Sec. 2. R. S., T. 22, § 2206, amended. The first sentence of section 2206 of Title 22 of the Revised Statutes, as amended by section 1 of chapter 390 of the public laws of 1967, is further amended to read as follows:

No person, except a registered apothecary, wholesaler, registered hospital pharmacy or a physician of regular standing in his profession, shall furnish, sell or keep for sale any opium, morphine, laudanum ~~marijuana~~ or preparations containing opium, morphine ~~marijuana~~ or derivative of opium.

Sec. 3. R. S., T. 22, § 2212-B, amended. Section 2212-B of Title 22 of the Revised Statutes, as enacted by section 5 of chapter 390 of the public laws of 1967, is amended to read as follows:

§ 2212-B. Possession of certain drugs

Whoever, except the laboratory of the Department of Health and Welfare, and research centers and laboratories licensed under section 2368-A is found in possession of d-lysergic acid diethylamide (LSD-25), ~~peyote~~ mescaline and its salts, dimethyltryptamine (DMT), psilocin or psilocybin, shall upon conviction thereof be punished by a fine of not more than \$1,000 or by imprisonment for not more than 2 years, or by both.

Sec. 4. R. S., T. 22, § 2361, sub-§ 4, repealed. Subsection 4 of section 2361 of Title 22 of the Revised Statutes is repealed.

Sec. 5. R. S., T. 22, § 2361, sub-§ 15, amended. Subsection 15 of section 2361 of Title 22 of the Revised Statutes is amended to read as follows:

15. Narcotic drugs. "Narcotic drugs" means coca leaves, opium, isonipocaine ~~cannabis~~ and every other substance neither chemically nor physically distinguishable from them and any other drugs to which the federal laws relating to narcotic drugs may now apply; and any drug found by the board after reasonable notice and opportunity for hearing, to have an addiction-forming or addiction-sustaining liability similar to morphine or cocaine from the date of publication of such finding by said board.

Sec. 6. R. S., T. 22, § 2368-A, amended. Section 2368-A of Title 22 of the Revised Statutes, as enacted by section 8 of chapter 390 of the public laws of 1967, is amended to read as follows:

§ 2368-A. Hallucinatory drugs

No person shall manufacture, compound, mix, cultivate, grow or by any other process produce or prepare hallucinatory agents having the potential for abuse because of their hallucinatory effect, such as d-lysergic acid diethylamide (LSD-25), ~~peyote~~ mescaline and its salts, dimethyltryptamine (DMT), psilocin or psilocybin, unless for laboratory work or research. Laboratories and research centers using these drugs shall be licensed and regulated by the Bureau of Health.

Sec. 7. R. S., T. 22, c. 558, additional. Title 22 of the Revised Statutes is amended by adding a new chapter 558, to read as follows:

CHAPTER 558

SALE AND POSSESSION OF CANNIBIS (MARIJUANA)

§ 2381. Title

This chapter shall be referred to as the Act Controlling the Sale and Possession of Cannabis (marijuana) and Peyote.

§ 2382. Definitions

1. Cannabis. "Cannabis", sometimes called marijuana or marihuana, includes all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof, the resin extracted from any part of such plant, and every compound, manufacture, salt, derivative, mixture or preparation of such plant,

its seeds or resin ; but shall not include the mature stocks of such plant, fiber produced from such stocks, oil or cake made from the seeds of such plant, or any other compound, manufacture, salt, derivative, mixture or preparation of such mature stock, resin extracted therefrom, fiber, oil or cake, or the sterilized seed of such plant which is capable of germination.

“Cannabis” shall be taken to include any synthetic substitute for such substance or any salts, compounds, derivatives or preparations thereof.

2. Peyote. “Peyote”, true name Lophophora, sometimes called Mescal Buttons or Anhalonium, including any or all parts of the cactus, genus Lophophora, whether growing or not, the extract from the plant, and any salt, compound or derivative of the same.

3. Sale. “Sale” includes barter, exchange or gift, or offer thereof, and each transaction made by any person, whether it is principal, proprietor, agent, servant or employee.

§ 2383. Possession

1. Manufacture or possesses. Whoever manufactures, cultivates, grows, possesses or has under his control, Cannabis 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 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 or Peyote is kept or deposited, or whoever is in the company of a person, knowing that said person is in possession of Cannabis or Peyote, shall be punished by a fine of not more than \$1,000 and by imprisonment for not more than 11 months.

§ 2384. Sale

1. To those 21 or over. Whoever, being 21 years of age or over, sells, exchanges, delivers, barter, gives or furnishes Cannabis or Peyote to any person 21 years of age or over, shall be punished by imprisonment for not less than one nor more than 5 years.

2. To those 18 to 20. Whoever, being 21 years of age or over, sells, exchanges, delivers, barter, gives or furnishes Cannabis or Peyote to any person 18 to 20 years old, inclusive, shall be punished by imprisonment for not less than 2 nor more than 6 years.

3. To those under 18. Whoever, being 21 years of age or over, sells, exchanges, delivers, barter, gives or furnishes Cannabis or Peyote to any person under the age of 18 years old, shall be punished by imprisonment for not less than 3 nor more than 8 years ; and for any subsequent offense, by imprisonment for not less than 4 nor more than 10 years.

4. By those under 21. Whoever, being less than 21 years of age, sells, exchanges, delivers, barter, gives or furnishes Cannabis or Peyote to any person shall be punished by imprisonment for not less than one nor more than 5 years.

§ 2385. Persons exempted

The provisions of this chapter restricting the possession of Cannabis or Peyote shall not apply to public officers or their employees in the performance of their official duties requiring possession or control of Cannabis or Peyote; nor to temporary, incidental possession by persons who are aiding public officers in performing their official duties.

§ 2386. Cannabis and Peyote; contraband

Cannabis 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.

Effective October 1, 1969

Chapter 444

AN ACT to Give Relief to Elderly Persons from the Increasing Property Tax.

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

R. S., T. 36, §§ 657-659, additional. Title 36 of the Revised Statutes is amended by adding 3 new sections to be numbered 657 to 659, to read as follows:

§ 657. Purpose

Due to the tremendous rise in living costs during the past decade, including ever increasing property taxes, the failure of Federal Old Age and Survivors Insurance and similar types of pension systems to adequately reflect in their pension payments these costs, and because savings once deemed adequate for retirement living are now grossly inadequate, it is therefore deemed necessary that the Legislature grant people retired on fixed incomes some relief from real property taxes. This relief must be granted to insure that thousands of persons now retired on fixed incomes can remain in possession of their homes, thus not becoming a burden on state or local government.

§ 658. Application

The following persons, as heads of households, shall have any increases in their property tax waived after application by reason of age.