

# MAINE STATE LEGISLATURE

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ACTS, RESOLVES AND CONSTITUTIONAL RESOLUTIONS

AS PASSED BY THE

One Hundred and Sixth Legislature

OF THE

STATE OF MAINE

Published by the Director of Legislative Research in accordance with the Revised Statutes of 1964, Title 3, Section 164, Subsection 6.

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THE KNOWLTON AND McLEARY COMPANY  
FARMINGTON, MAINE  
1973

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PUBLIC LAWS  
OF THE  
STATE OF MAINE  
AS PASSED BY THE  
**One Hundred and Fifth Legislature**  
AT THE  
SPECIAL SESSION

January 24, 1972

to

March 10, 1972

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3. **Purchase.** Coordinate the purchase and use of all the department equipment; and

4. **Review.** Review the function and operation of the department to insure that overlapping functions and operations are brought to the attention of the Governor and Legislature.

**Sec. 13. Amendatory provision.** Wherever in the Revised Statutes, Title 26, the words "Department of Labor and Industry" appear, they shall mean the "Bureau of Labor and Industry within the Department of Manpower Affairs." Wherever the word "commissioner," meaning the "Commissioner of the Department of Labor and Industry" appears, it shall mean the "Director of the Bureau of Labor and Industry," except in the Revised Statutes, Title 26, chapter 13.

**Sec. 14. Transitional provision.** All existing regulations currently in effect and operation in the Department of Labor and Industry and the Maine Employment Security Commission or in any bureau, division, institution, administrative unit or office thereof shall continue in effect, unless in conflict with this Act until rescinded, amended or changed.

"Regulation" shall include but is not limited to any regulation, rule, order, administrative procedure, policy, determination, directive, authorization, permit, license, privilege, requirement, designation or agreement.

**Sec. 15. Funds and equipment transferred.** Notwithstanding the Revised Statutes, Title 15, section 1585, all accrued expenditures, assets, liabilities, balances of appropriations, transfers, revenues or other available funds in any account, or subdivision of an account, of any agency to be reallocated to another department strictly as a result of the reorganization effort, shall be transferred to the proper place in the new structure by the State Controller upon the recommendation of the department head, the State Budget Officer and upon approval by the Governor and Executive Council.

**Sec. 16. Effective date.** This Act shall become effective July 1, 1972.

Effective July 1, 1972

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## CHAPTER 621

### 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 dispens-

ing 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.

Sec. 4. R. S., T. 22, § 2212-E, additional. Title 22 of the Revised Statutes is amended by adding a new section 2212-E to read as follows:

#### § 2212-E. Selling of certain hallucinogenic drugs

Whoever, except the laboratory of the Department of Health and Welfare, sells any of the substances listed in section 2212-B shall upon conviction thereof be punished by 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. 5. 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. 6. 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. 7. 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.

Effective June 9, 1972

## CHAPTER 622

### AN ACT to Correct Errors and Inconsistencies in the Public Laws.

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, many laws enacted by previous Legislatures have created inconsistencies and technical errors; and