

# 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 Sixth Legislature

1973

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**CHAPTER 500****AN ACT to Establish a Uniform Program for Educational Leave for State Employees.**

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

R. S., T. 5, c. 60, additional. Title 5 of the Revised Statutes is amended by adding a new chapter 60 to read as follows:

**CHAPTER 60  
EDUCATIONAL LEAVE****§ 721. Title**

This chapter shall be known as, and may be cited as, the "Maine Educational Leave Act."

**§ 722. Declaration of purpose**

It is in the public interest and is the policy of the State of Maine to foster and encourage an educational leave program to permit employees of the State to increase knowledge and skills and to improve work techniques and procedures. This would permit the agencies themselves and the citizens of Maine to benefit by what the employee has learned and by what he will impart to others when he returns.

**§ 723. Educational Leave Advisory Board**

There shall be an Educational Leave Advisory Board to advise and consult with the Department of Personnel to review and authorize all educational leave requests from classified and unclassified state employees for durations of more than one week. The board shall consist of 3 members as follows: The Director of Personnel who shall serve as chairman of the board, the Commissioner of Educational and Cultural Services or his designee; and one member who shall be a state employee appointed by the Governor, with the advice and consent of the Council, to serve for a term of 3 years. Members of the board shall receive no compensation for their services.

**§ 724. Rules and regulations**

The board shall by rule and regulation establish procedures for applying, processing and granting of educational leave to classified and unclassified employees of the State and shall maintain an up-to-date register of employees and their terms of leave and may adopt such other regulations as it finds necessary to administer this chapter. The board shall seek the advice of the department head concerned in reviewing the educational leave application of each employee.

**§ 725. Funds**

No state funds shall be used or appropriated by the Legislature for the purpose of this chapter nor shall any employee of the State be compensated with state funds while absent on leave for educational purposes for more than one week, unless such leave is approved by the board. The board may apply for and accept donations and contributions from any other source to further assist it in carrying out the purposes of this chapter and shall approve such applications by the agencies of the State, but the same shall be expended and accounted for in the same manner as funds appropriated to it by the Legislature.

§ 726. Report

The board shall make a detailed progress report biennially to the Legislature, together with such recommendations as it deems necessary to carry out the purposes of this chapter.

§ 727. Application

In the event that any provision of this chapter is in conflict with the provision of a federal grant or educational leave program, the terms of the federal grant or educational leave program shall prevail.

Effective October 3, 1973

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## CHAPTER 501

### AN ACT to Provide Penalties for Sale of Counterfeit Substances which are not Drugs.

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

R. S., T. 22, § 2387, additional. Title 22 of the Revised Statutes is amended by adding a new section 2387 to read as follows:

§ 2387. Counterfeit substances

1. Definition. "Counterfeit substance" means a substance which is represented to be a particular controlled drug or substance under federal or state law, but which is in fact not that drug or substance.

2. Sale. Whoever sells, exchanges, delivers, barter, gives or furnishes a counterfeit substance to any person shall upon conviction thereof be punished by a fine of not more than \$1,000 or by imprisonment for not more than 5 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 not be granted.

Effective October 3, 1973

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## CHAPTER 502

### AN ACT Relating to Criminal Penalties for Knowingly Being in the Presence of Cannabis.

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

R. S., T. 22, § 2383, sub-§ 2, amended. Subsection 2 of section 2383 of Title 22 of the Revised Statutes, as enacted by section 7 of chapter 443 of the public laws of 1969, and as amended, is further amended to read as follows:

2. Present. Whoever, knowingly, is present where Cannabis Mescaline or Peyote is kept or deposited, or whoever is in the company of a person, knowing that said person is in possession of Cannabis Mescaline or Peyote, shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 11 months, or by both.

Effective October 3, 1973