

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
SECOND REGULAR SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1729, L.D. 2420, Bill, "An Act to Legalize Marijuana for Medicinal Purposes"

Amend the amendment by striking out all of sections 2 to 5 and inserting in their place the following:

Sec. 2. 15 MRSA §5821, first ¶, as enacted by PL 1987, c. 420, §2, is amended to read:

~~The~~ Except as provided in section 5821-A, the following shall-be are subject to forfeiture to the State and no property right may exist in them:

Sec. 3. 15 MRSA §5821-A is enacted to read:

§5821-A. Property not subject to forfeiture based on medical purposes

Property may not be forfeited under this chapter in the following situations:

1. Possession of marijuana for medical purposes. The alleged offense that subjects the actor's property to forfeiture is possession of marijuana under Title 22, section 2383, the actor possessed the marijuana for the actor's own use and:

A. The actor was diagnosed by a physician before the alleged offense as having glaucoma. This paragraph is repealed on October 1, 1993; or

B. The actor suffered from significant nausea or vomiting as a result of chemotherapy or radiation therapy.

2 2. Growing or cultivating marijuana for medical purposes.
3 The alleged offense that subjects the actor's property to
4 forfeiture is trafficking by growing or cultivating marijuana
5 under Title 17-A, section 1103, the actor grew or cultivated the
6 marijuana for the actor's own use and:

8 A. The actor was diagnosed by a physician before the
9 alleged offense as having glaucoma. This paragraph is
10 repealed on October 1, 1993; or

12 B. The actor suffered from significant nausea or vomiting
13 as a result of chemotherapy or radiation therapy.

14 Sec. 4. 17-A MRS §1117 is enacted to read:

16 §1117. Marijuana for medical purposes

18 1. It is an affirmative defense to a prosecution for
19 possession of marijuana under Title 22, section 2383 that the
20 actor possessed the marijuana for the actor's own use and:

22 A. The actor was diagnosed by a physician before the
23 alleged offense as having glaucoma. This paragraph is
24 repealed on October 1, 1993; or

26 B. The actor suffered from significant nausea or vomiting
27 as a result of chemotherapy or radiation therapy.

30 2. It is an affirmative defense to a prosecution for
31 trafficking by growing or cultivating marijuana under section
32 1103 that the actor grew or cultivated the marijuana for the
33 actor's own use and:

34 A. The actor was diagnosed by a physician before the
35 alleged offense as having glaucoma. This paragraph is
36 repealed on October 1, 1993; or

38 B. The actor suffered from significant nausea or vomiting
39 as a result of chemotherapy or radiation therapy.

42 Sec. 5. 22 MRS §2383-C is enacted to read:

44 §2383-C. Marijuana for medical purposes

46 1. Patients. Notwithstanding section 2383, subsection 1, a
47 person is authorized to possess a useable amount of marijuana if
48 the person possesses the marijuana for the person's own use and:

2 A. The person was diagnosed by a physician before the
4 alleged offense as having glaucoma. This paragraph is
6 repealed on October 1, 1993; or

8 B. The person suffered from significant nausea or vomiting
10 as a result of chemotherapy or radiation therapy.

12 2. Juveniles. Notwithstanding Title 15, section 3103,
14 subsection 1, paragraph B, a juvenile is authorized to possess a
16 useable amount of marijuana if the juvenile possesses the
18 marijuana for the juvenile's own use, the juvenile's parent or
20 guardian authorized the possession and use, and:

22 A. The juvenile was diagnosed by a physician before the
24 alleged offense as having glaucoma. This paragraph is
26 repealed on October 1, 1993; or

28 B. The juvenile suffered from significant nausea or
30 vomiting as a result of chemotherapy or radiation therapy.'

STATEMENT OF FACT

32 This amendment removes provisions in Committee Amendment "A"
34 that allow persons other than the patient to grow or possess
36 marijuana. The amendment also defines side effects of
38 chemotherapy or radiation therapy as "significant nausea or
vomiting." The amendment also repeals the provisions related to
glaucoma patients on October 1, 1993.

Filed by Rep. Manning of Portland
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