

MAINE STATE LEGISLATURE

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HEALTH AND HUMAN SERVICES

Reported by:

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**STATE OF MAINE
SENATE
120TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 183, L.D. 611, Bill, "An Act to Create a Pilot Project to Fully Implement the Maine Medical Marijuana Act of 1998"

Amend the bill by striking out the title and substituting the following:

'An Act to Aid Implementation of the Maine Medical Marijuana Act of 1998'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 22 MRSA §2383-B, sub-§3, ¶A-1, as enacted by IB 1999, c. 1, §7, is amended to read:

A-1. "Designated care giver" means a person over 18 years of age who:

(1) Is a family member or other person who has consistently assumed responsibility for ~~a person's~~ the housing, health or safety of a person authorized to possess marijuana for medical use pursuant to subsection 5, paragraph A or B or who is a member of the same household as a person authorized to possess marijuana for medical use pursuant to subsection 5, paragraph A or B; and

(2) Is named in a written individual instruction or power of attorney for health care as defined in Title

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to S.P. 183, L.D. 611

2 18-A, section 5-801 by, or is the parent or legal
guardian of, a person authorized to possess marijuana
4 for medical use pursuant to subsection 5.

6 **Sec. 2. 22 MRSA §2383-B, sub-§3, ¶E**, as enacted by IB 1999, c.
1, §9, is amended to read:

8 E. "Usable amount of marijuana for medical use" means ~~1-1/4~~
2 2 1/2 ounces or less of harvested marijuana and a total of 6
10 plants, of which no more than 3 may be mature, flowering
12 plants.

14 **Sec. 3. 22 MRSA §2383-B, sub-§5, ¶¶G and H** are enacted to read:

16 G. It is an affirmative defense to prosecution for
possession, use or cultivation of a usable amount of
marijuana under section 2383, Title 15, section 3103 or
Title 17-A, chapter 45 that the defendant was an eligible
patient under this subsection.

20 H. It is an affirmative defense to prosecution for
possession, possession with the intent to furnish,
furnishing or cultivation of a usable amount of marijuana
under section 2383, Title 15, section 3103 or Title 17-A,
chapter 45 that the defendant was a designated care giver
under this subsection if the person to whom the marijuana
was to be furnished or for whom it was cultivated was an
eligible patient.'

30 **SUMMARY**

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34 This amendment is the report of the majority of the members
of 2 committees, the Joint Standing Committee on Criminal Justice
and the Joint Standing Committee on Health and Human Services.

36 This amendment replaces the bill and changes the title. It
38 clarifies the definition of a designated care giver for a patient
eligible to use marijuana for medical purposes, it increases the
40 amount of harvested marijuana that may be possessed for medical
purposes from 1.25 ounces to 2.5 ounces and it adds an
42 affirmative defense provision to clarify that an eligible patient
or designated care giver has an affirmative defense under the law
44 passed as a citizen initiative in 1999. It removes from the bill
the provisions that would have established a nonprofit
46 distribution center governed by a community board and a mandatory
registration system.

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