

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 754

H.P. 561

House of Representatives, March 1, 2011

An Act To Remove Criminal Penalties for Possession of up to 5 Ounces of Marijuana

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative CHIPMAN of Portland.
Cosponsored by Representatives: CEBRA of Naples, DUNPHY of Embden, HARLOW of
Portland, HARVELL of Farmington, RUSSELL of Portland.

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

2 **Sec. 1. 17-A MRSA §1106, sub-§3, ¶A**, as amended by PL 2009, c. 67, §1, is
3 further amended to read:

4 A. More than ~~2-1/2~~ 5 ounces of marijuana;

5 **Sec. 2. 17-A MRSA §1107-A, sub-§1, ¶F**, as amended by PL 2009, c. 67, §2, is
6 further amended to read:

7 F. A schedule Z drug. Violation of this paragraph is a Class E crime unless the drug
8 is marijuana, in which case a violation of this paragraph is:

9 (1) For possession of over ~~2-1/2~~ 5 ounces to 8 ounces of marijuana, a Class E
10 crime;

11 (2) For possession of over 8 ounces to 16 ounces of marijuana, a Class D crime;

12 (3) For possession of over one pound to 20 pounds of marijuana, a Class C
13 crime; and

14 (4) For possession of over 20 pounds of marijuana, a Class B crime.

15 **Sec. 3. 22 MRSA §2383, sub-§1, ¶A**, as repealed and replaced by PL 2009, c.
16 652, Pt. B, §6, is amended to read:

17 A. A person who possesses a usable amount of marijuana commits a civil violation
18 for which a fine of ~~not less than \$350 and not more than \$600~~ \$250 must be adjudged
19 for possession of up to ~~1-1/4~~ 5 ounces of marijuana ~~and a fine of not less than \$700~~
20 ~~and not more than \$1,000 must be adjudged for possession of over 1-1/4 ounces to 2~~
21 ~~1/2 ounces of marijuana, none of which may be suspended.~~

22 **Sec. 4. 22 MRSA §2383-B, sub-§3, ¶E**, as amended by PL 2009, c. 631, §6 and
23 affected by §51, is further amended to read:

24 E. "Usable amount of marijuana for medical use" means ~~2-1/2~~ 5 ounces or less of
25 prepared marijuana, as defined in section 2422, subsection 14, and a total of 6 plants
26 as defined by the department pursuant to section 2424, subsection 1.

27 **Sec. 5. 22 MRSA §2423-A, sub-§1, ¶A**, as enacted by PL 2009, c. 631, §21 and
28 affected by §51, is amended to read:

29 A. Possess up to ~~2-1/2~~ 5 ounces of prepared marijuana and an incidental amount of
30 marijuana as provided in subsection 5;

31 **Sec. 6. 22 MRSA §2423-A, sub-§1, ¶D**, as enacted by PL 2009, c. 631, §21 and
32 affected by §51, is amended to read:

33 D. Furnish or offer to furnish to another registered patient for that person's medical
34 use of marijuana up to ~~2-1/2~~ 5 ounces of prepared marijuana if nothing of value is
35 offered or transferred in return;

