

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

SECOND REGULAR SESSION
January 2, 2002 to April 25, 2002

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 25, 2002

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
2002

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective March 28, 2002.

CHAPTER 580

S.P. 183 - L.D. 611

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

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

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

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

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

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

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.

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.

See title page for effective date.

CHAPTER 581

H.P. 1493 - L.D. 1996

**An Act to Establish Educational
Requirements for Granting
Noncommercial Lobster Licenses**

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

Sec. 1. 12 MRSA §6421, sub-§5-B is enacted to read:

5-B. Noncommercial lobster and crab fishing license eligibility. Beginning with license year 2003, a noncommercial lobster and crab fishing license may be issued only to a person who has:

A. Successfully completed a lobster and crab fishing written examination, as provided in section 6423; or

B. Held a Class I, Class II or Class III lobster and crab fishing license and has landed lobster under that license.

Once a person successfully completes the examination, that person need not repeat the examination to renew the license.

Sec. 2. 12 MRSA §6423 is enacted to read:

§6423. Lobster and crab fishing education program

The commissioner shall establish an education program in accordance with this section for training applicants for noncommercial lobster and crab fishing licenses.

1. Pamphlet. The department shall issue a pamphlet of all the laws and rules relating to a noncommercial lobster and crab fishing license to each applicant for a noncommercial lobster and crab fishing license who has not successfully completed a written examination pursuant to subsection 2 or met the requirements of section 6421, subsection 5-B, paragraph B.