

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1762

H. P. 1342

House of Representatives, April 3, 1973

Referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. Connolly of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Relating to Criminal Penalties for the Sale of Cannabis.

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

Sec. 1. R. S., T. 22, § 2381, amended. Section 2381 of Title 22 of the Revised Statutes, as enacted by section 7 of chapter 443 of the public laws of 1969, is amended to read as follows:

§ 2381. Title

This chapter shall be referred to as the Act Controlling the Sale and Possession of ~~Cannabis (marijuana)~~ and Peyote.

Sec. 2. R. S., T. 22, § 2382, sub-§ 1, repealed. Subsection 1 of section 2382 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Title 22 of the Revised Statutes, as enacted by section 7 of chapter 443 of the public laws of 1969, and as amended, is repealed.

Sec. 3. R. S., T. 22, § 2383, sub-§ 1, amended. Subsection 1 of Title 22 of the Revised Statutes, as enacted by section 7 of chapter 443 of the public laws of 1969, and as amended by section 2 of chapter 472 of the public laws of 1971, is further amended to read as follows:

1. Manufacture or possess. Whoever manufactures, cultivates, grows, possesses or has under his control ~~Cannabis~~ Mescaline or Peyote, except as authorized by this chapter, shall be punished, for the first offense, by a fine of not more than \$1,000 and by imprisonment for not more than 11 months; and, for any subsequent offense, by a fine of not more than \$2,000 and by imprisonment for not more than 2 years.

Sec. 4. R. S., T. 22, § 2383, sub-§ 2, amended. Subsection 2 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.

Sec. 5. R. S., T. 22, § 2384, amended. Section 2384 of Title 22 of the Revised Statutes, as enacted by section 7 of chapter 443 of the public laws of 1969, and as repealed and replaced by section 3 of chapter 472 of the public laws of 1971, is amended to read as follows:

§ 2384. Sale

Whoever sells, exchanges, delivers, barter, gives or furnishes ~~Cannabis~~ Mescaline or Peyote 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.

Sec. 6. R. S., T. 22, § 2385, amended. Section 2385 of Title 22 of the Revised Statutes, as enacted by section 7 of chapter 443 of the public laws of 1969, and as amended by section 4 of chapter 472 of the public laws of 1971, is amended to read as follows:

§ 2385. Persons exempted

The provisions of this chapter restricting the possession of ~~Cannabis~~ Mescaline or Peyote shall not apply to public officers or their employees in the performance of their official duties requiring possession or control of ~~Cannabis~~ Mescaline or Peyote; nor to temporary, incidental possession by persons who are aiding public officers in performing their official duties.

Sec. 7. R. S., T. 22, § 2386, amended. Section 2386 of Title 22 of the Revised Statutes, as enacted by section 7 of chapter 443 of the public laws of 1969, and as amended by section 4 of chapter 472 of the public laws of 1971, is amended to read as follows:

§ 2386. Mescaline and Peyote; contraband

~~Cannabis~~ Mescaline or Peyote unlawfully in the possession or under the control of any person and which are kept and deposited in the State or intended for unlawful sale or sold in the State, and the vessels in which they are contained, are contraband and forfeited to the State of Maine at the time when they are seized.

Sec. 8. 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. Limitation

Until such time as medical testimony is presented that proves beyond reasonable doubt that consumption of Cannabis can result in serious, permanent

and severe emotional or physical damage, the State of Maine shall enact no law establishing criminal penalties for its sale. The State of Maine recognizes the distinction between the effects of the use of Cannabis and so-called hard drugs.

STATEMENT OF FACT

This Act would remove all criminal penalties previously enacted by the State of Maine regarding the sale of Cannabis until such time as medical evidence is presented demonstrating beyond reasonable doubt that use of Cannabis results in serious, permanent, and severe emotional or physical damage.