

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
SENATE  
107TH LEGISLATURE

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D OF R.

COMMITTEE AMENDMENT " B " to S.P. 113, L.D. 314, Bill,  
"AN ACT Creating the Maine Criminal Code."

Amend said Bill in section 1 in that part designated  
"§1." in subsection 1 by inserting at the end the following  
new sentence:

'When it is alleged that an element occurred "on or about" a certain date, and the period so alleged may reasonably be interpreted to include the date on which this ~~Code~~ becomes effective, the prosecution shall be governed by the prior law.'

Further amend said Bill in that part designated "§1."  
in the Comment by inserting after the 3rd paragraph the  
following new paragraph:

'It sometimes happens that although all the elements of a crime can be proved, there is some doubt as to just when the crime took place as for example, when it is clear that an accused has killed the victim but the time of death can only be approximated. In such cases the prosecution can proceed on the basis of an accusation and proof that the killing took place on or about a certain date. Where this sort of allegation straddles the effective date of the ~~Code~~, a rule is needed to determine whether the ~~Code~~ governs the prosecutor. Subsection 2 applies the pre-~~Code~~ law in order to avoid any possible retroactive application of the ~~Code~~.'

Further amend said Bill in section 1 in that part designated  
"§2." by inserting after subsection 3 the following:

'3-A. "Armed" means in actual possession of, regardless of whether the possession is visible or concealed.'

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Further amend said Bill in section 1 in that part designated "§2." in subsection 9 by adding at the end the following new sentence:

← If the actor intentionally presents, in a covered or open manner, a thing as a deadly weapon, it shall be presumed that the thing was a deadly weapon.

Further amend said Bill in section 1 in that part designated "§2." by inserting after subsection 12 the following:

'12-A. "Firearm" means any weapon, whether loaded or unloaded, which will expel a projectile by the action of an explosive and includes any such weapon commonly referred to as a pistol, revolver, rifle, gun, machine gun or shotgun. Any weapon which can be readily made into a firearm by the insertion of a firing pin, or other similar thing in the actual possession of the actor or an accomplice, is a firearm.'

Further amend said Bill in section 1 in that part designated "§2." in subsection 13 in the 3rd line (2nd line in L.D.) by inserting before the underlined words / <sup>"the United"</sup> the underlined words and punctuation 'the State,'

Further amend said Bill in section 1 in that part designated "§5." in subsection 4 in the 1st and 2nd lines (same in L.D.) by striking out the underlined words and punctuation "intention, knowledge, or recklessness" and inserting in place thereof the underlined words 'culpable state of mind'

Further amend said Bill in section 1 in that part designated "§5." in the Comment by inserting at the end of the last paragraph the following sentence:

← 'Subsection 4 also provides that it is only when a culpable state of mind is at issue that the matter of intoxication may be considered.'

Further amend said Bill in section 1 in that part designated "§12." in subsection 1 in the first line by inserting after the underlined words "notice to" the underlined words 'or motion of'

Further amend said Bill in section 1 in that part designated "§12." in the Comment by inserting at the end the following sentence:

'This section also requires that a dismissal by the court must be after notice to or upon the motion of the prosecutor.'

Further amend said Bill in section 1 in that part designated "§53." in subsection 1 in the 2nd line (same in L.D.) by striking out the following: "has not attained his 18th birthday at the time of such proceeding" and inserting in place thereof the following: 'had not attained his 18th birthday at the time of the alleged crime,'

Further amend said Bill in section 1 in that part designated "§53." in the Comment in the 4th paragraph by inserting at the end the following sentence:

'This section also preserves the rule that juvenile court jurisdiction depends upon the age at the time of the offense.'

Further amend said Bill in section 1 in that part designated "§58." in the Comment in the 4th paragraph in the 2nd line (same in L.D.) by inserting after the word "Commission" the words 'and the Legislature'

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Further amend said Bill in section 1 in that part designated "§101." in subsection 1 by inserting at the end the following sentence:

'If a defense provided under this chapter is precluded solely because the requirement that the actor's belief be reasonable has not been met, he may be convicted only of a crime for which recklessness or criminal negligence suffices, depending on whether his holding the belief was reckless or criminally negligent.'

Further amend said Bill in section 1 in that part designated "§101." in the Comment by inserting at the end of the 4th paragraph the following sentence:

'Subsection 1 also provides that when an accused fails in establishing the justification because his belief was not reasonable, the crime which occurs is determined by the recklessness or negligence that is at the part of the wrongdoing.'

Further amend said Bill in section 1 in that part designated "§106." in subsection 1 in the 3rd line (2nd line in L.D.) by striking out the following: "under the age of 17"

Further amend said Bill in section 1 in that part designated "§106." by striking out all of subsection 2 and inserting in place thereof the following:

'2. A teacher or other person entrusted with the care or supervision of a person for special and limited purposes is justified in using a reasonable degree of force against any such person who creates a disturbance when and to the extent that he reasonably believes it necessary to control the disturbing behavior or to remove the person from the scene of such disturbance.'

Further amend said Bill in section 1 in that part designated "§106." in subsection 4 in the last line (same in L.D.) by striking out the underlined punctuation and words ", mental distress or humiliation"

Further amend said Bill in section 1 in that part designated "§106." in the Comment in the last paragraph by striking out all of the 2nd sentence and inserting in place thereof the following:

← "That is, the purpose of the subsection is to prohibit death, serious bodily injury, or substantial amounts of pain."

Further amend said Bill in section 1 in that part designated "§201." in subsection 2 in paragraph A in the last line (same in L.D.) by striking out the underlined words "murder or aggravated murder" and inserting in place thereof the words 'criminal homicide in the first or 2nd degree'

Further amend said Bill in section 1 in that part designated "§203." in subsection 2 in paragraph B in the first line (same in L.D.) by striking out the underlined words and punctuation "firearm, destructive device," and in paragraph C in the 2nd line (same in L.D.) by striking out the underlined words and punctuation "firearm, device or"

Further amend said Bill in section 1 by striking out all of that part designated "§210." and all of the Comment.

Further amend said Bill in section 1 in that part designated "§251." in subsection 1 in paragraph A by striking out in the 3rd line (2nd and 3rd lines in L.D.) the underlined words "judicial decree of" and inserting in place thereof the underlined word 'defacto'

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Further amend said Bill in section 1 in that part designated "§251." in subsection 1 in paragraph C by inserting at the end before the punctuation the following:

'or direct physical contact between the sex organs of one and the sex organs of the other without penetration, or direct physical contact between the sex organs of one and an instrument or device manipulated by the other'

Further amend said Bill in section 1 in that part designated "§251." by striking out all of subsection 2.

Further amend said Bill in section 1 in that part designated "§251." in the Comment by striking out all of the 9th paragraph and inserting in place thereof the following:

'The definition of "spouse" is designed to continue the common law restriction but it does not include a legally married person who is living apart from the actor under a defacto separation.' and by striking out all of the last paragraph.

Further amend said Bill in section 1 in that part designated "§254." in subsection 1 in the 4th line (3rd line in L.D.) by striking out the following: "18th" and inserting in place thereof '16th' and in the last line (same in L.D.) by striking out the underlined figure "3" and inserting in place thereof the underlined figure '5'

Further amend said Bill in section 1 in that part designated "§254." in subsection 2 in the last line (same in L.D.) by striking out "18th" and inserting in place thereof '16th'

Further amend said Bill in section 1 in that part designated "§254." in subsection 3 by striking out "Class C" and inserting in place thereof 'Class D'

Further amend said Bill in section 1 in that part designated "§254." in the Comment in the 2nd paragraph by striking out all of the first sentence and inserting in place thereof the following:

'This section of the code includes a sexual act as well as sexual intercourse / <sup>within</sup> the prohibition.'

Further amend said Bill in section 1 in that part designated "§351." in the 5th line (4th and 5th line in L.D.) by inserting after the underlined word and punctuation "blackmail," the underlined word 'shoplifting'

Further amend said Bill in section 1 in that part designated "§361." in subsection 3 in the first line (same in L.D.) by striking out the underlined word "intentionally"

Further amend said Bill in section 1 in that part designated "§401." in the Comment by inserting at the end of the first paragraph the following sentence:

'The term "structure" is intended to be comprehensive and to include such things as tents, lean-tos and trailers.'

Further amend said Bill in section 1 in that part designated "§503." by striking out all of subsection 2 and inserting in place thereof the following:

'2. Riot is a Class D crime.'

Further amend said Bill in section 1 in that part designated "§504." by striking out all of subsection 3 and inserting in place thereof the following:

'3. Unlawful assembly is a Class E crime.'

Further amend said Bill in section 1 in that part designated "§505." by striking out all of subsection 3 and



inserting in place thereof the following:

'3. Obstructing public ways is a Class E crime.'

Further amend said Bill in section 1 in that part designated "§510." in subsection 1 in paragraph E in the first line (same in L.D.) by striking out the underlined word "sheep" and inserting in place thereof the underlined words 'a domestic animal'

Further amend said Bill in section 1 in that part designated "§516." in the Comment by inserting at the end the following:

'This section is not intended to prevent the sale and purchase of such claims, accounts, notes or other demands due or to become due to another person, in connection with the sale of a business or interest in a business.'

Further amend said Bill in section 1 in that part designated "§552." in subsection 1 in the 2nd line (same in L.D.) by inserting after the underlined word "able" the following: ', by means of property or capacity for labor,'

Further amend said Bill in section 1 in that part designated "§552." by adding a new subsection 4 to read:

'4. A person placed on probation as a result of a violation of this section may be placed under the supervision of the Department of Health and Welfare. Notwithstanding any other provision of law, the period of probation may extend to the time when the youngest dependent attains the age of 18.'

**W.P.B.**

Further amend said Bill in section 1 in that part designated "§552." in the Comment by inserting at the end the following:

'This section also provides that any person who is placed on probation as a result of nonsupport of dependents may be placed under the supervision of the State Department of Health and Welfare which supervision may extend to such time as the youngest dependent attains the age of 18.'

Further amend said Bill in section 1 in that part designated "§554." in subsection 2 in paragraph B by striking out in the first line (same in L.D.) the underlined word "Any" and inserting in place thereof the underlined words 'The defendant was a'

Further amend said Bill in section 1 by inserting after that part designated "§556." the following:

'§557. Other defenses

For the purposes of this chapter, a person who in good faith provides treatment for a child or incompetent person by spiritual means through prayer alone shall not for that reason alone be deemed to have knowingly endangered the welfare of such child or incompetent person.

Comment \*

The purpose of this section is to provide that the treatment of a child or incompetent person in accordance with the tenets and practices of a religious denomination

shall constitute a presumption that such treatment was provided in good faith and that the person providing the

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treatment shall not be deemed to have knowingly endangered the welfare of such child or incompetent person.'

Further amend said Bill in section 1 in that part designated "§752." in subsection 1 by striking out all of paragraph A and inserting in place thereof the following:

'A. He knowingly assaults a law enforcement officer while the officer is in the performance of his official duties; or'

Further amend said Bill in section 1 in that part designated "§752." by adding a new subsection 3 to read as follows:

'3. Assault on an officer is a Class D crime.'

Further amend said Bill in section 1 in that part designated "§752." in the Comment by striking out all of the 2nd sentence and inserting in place thereof the following: 'This section continues this offense and also includes assault on a member of the staff of any penal institution.'

Further amend said Bill in section 1 in that part designated "§801." in subsection 1 in the last line (same in L.D.) by striking out the underlined word "in" and inserting in place thereof the underlined words 'at or in proximity to'

Further amend said Bill in section 1 in that part designated "§801." in subsection 5 in the 2nd and 3rd lines (2nd line in L.D.) by striking out the underlined words "actually present in the structure" and inserting in place thereof the words 'at or in proximity to such structure'

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Further amend said Bill in section 1 in that part designated "§802." in subsection 1 by striking out all of paragraph A and inserting in place thereof the following:

'A. On the property of another with the intent to damage or destroy property thereon; or'

Further amend said Bill in section 1 in that part designated "§851." in subsection 2 in paragraph B →

→ by striking out in the first line the underlined and punctuation words/ "In a public place," and inserting in place thereof the underlined word 'Publicly'

Further amend said Bill in section 1 by inserting after that part designated "§853." the following:

'§853-A. Engaging in prostitution

1. A person is guilty of engaging in prostitution if he engages in prostitution as defined in section 851.

2. Engaging in prostitution is a Class E crime except that it is subject only to the penalties provided in section 1301.

Comment\*

This section creates the criminal offense of engaging in prostitution and provides that a person convicted of this offense shall be subject to a fine of up to \$250 or a higher amount which does not exceed twice the pecuniary gain derived from the crime by the defendant.'

Further amend said Bill in section 1 in that part designated "§901." in subsection 1 in paragraph G in the first line by striking out the underlined words "or misleading" and by inserting after the underlined word "statement" the underlined words 'of material fact'

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Further amend said Bill in section 1 in that part designated "§901." in subsection 3 by adding a new paragraph C to read as follows:

'C. "Intentionally" shall have the meaning set forth in section 10.'

Further amend said Bill in section 1 in that part designated "§901." by striking out all of subsection 4 and inserting in place thereof the following:

'4. Deceptive business practices is a Class E crime.'

Further amend said Bill in section 1 in that part designated "§901." in the Comment by inserting at the end the following:

'Subsection 3, paragraph C incorporates by reference the definition of "intentionally" which is provided in paragraphs A and B of section 10 and section 4 classifies deceptive business practices as a Class E crime.'

Further amend said Bill in section 1 in that part designated "§904." in subsection 1 in paragraph A by striking out all of the first line (same in L.D.) by inserting in place thereof the following:

'A. He promises, offers or gives any pecuniary benefits to'

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Further amend said Bill in section 1 in that part designated "§1002." by adding a new subsection 3 to read:

'3. This section shall not apply to the use of such disabling chemicals when said use is for the purpose of self-defense.'

Further amend said Bill in section 1 in that part designated "§1002." in the Comment by inserting at the end the following new paragraph:

'The provisions of this section do not apply where disabling chemicals are used solely for the purpose of self-defense.'

Further amend said Bill in section 1 in that part designated "§1101." by striking out all of subsections 1 and 5 and inserting in place thereof the following:

'1. "Marijuana" includes the leaves, stems, flowers and seeds of all species of the plant genus cannabis, whether growing or not; but shall not include the resin extracted from any part of such plant and every compound, manufacture, salt, derivative, mixture or preparation from such resin including hashish and further, shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt derivative, mixture or preparation of such mature stalks, fiber, oil or cake or the sterilized seed of such plant which is capable of germination.

5. "Hashish" includes the resin extracted from any part of the cannabis plant and every compound, manufacture, salt, derivative, mixture or preparation from such resin.'

Further amend said Bill in section 1 in that part designated "§1102." in subsection 1 by striking out all of paragraphs C, D, E and F and by renumbering paragraphs G, H, I and J to be paragraphs C, D, E and F.

Further amend said Bill in section 1 in that part designated "§1102." in subsection 1 by inserting at the end the following:

'G. Phenmetrazine and its salts;

H. Methylphenilate;

I. Unless listed or described in another schedule, all narcotic drugs, including but not limited to heroin (diacetylmorphine), methadone, pethidine, morphine and opium.'

Further amend said Bill in section 1 in that part designated "§1102." in subsection 2 in paragraph J by striking out all of subparagraph (8) and inserting in place thereof the following:

'(8) Hashish'

Further amend said Bill in section 1 in that part designated "§1102." in subsection 2 by striking out all of paragraphs A, C, E, F, G, H and I and renumbering paragraphs B, D, J and K to be paragraphs A, B, C and D.

Further amend said Bill in section 1 in that part designated "§1102." in subsection 2 by inserting at the end the following:

D C.F.P.  
'E. Methaqualone or its salts;

F. Methprylon;

G. Glutethimide.'

Further amend said Bill in section 1 in that part designated "§1102." in subsection 3 by inserting at the end the following:

'N. Flurazepam;

O. Chlordiazepoxide or its salts;

P. Diazepam;

Q. Carbromal;

R. Chloralhydrate.'

Further amend said Bill in section 1 in that part designated "§1102." in the Comment by inserting at the end the following paragraph:

'In establishing categories for the classification of drugs, the Legislature was guided by a number of characteristic factors associated with each drug, including but not limited to the particular drugs: actual or relative potential for abuse, the scientific evidence of its pharmacological effect if known; the state of current scientific knowledge regarding the substance, the history and current pattern of abuse, the scope, duration and significance of abuse, the risk to the public health, the potential of the substance to reduce psychic or physiological dependence liability and whether the substance is an immediate precursor of a substance already controlled under this chapter.'



Further amend said Bill in section 1 in that part designated "§1106." by inserting at the end the following:

'3. A person shall be presumed to be unlawfully furnishing a scheduled drug if he intentionally or knowingly possesses more than <sup>1 1/2</sup> ounces of marijuana.'

Further amend said Bill in section 1 in that part designated "§1106." in the Comment by inserting at the end the following:

'This section also provides for a presumption that a person is unlawfully furnishing a scheduled drug when he possesses more than <sup>1 1/2</sup> ounces of marijuana. A person who possesses any usable amount of marijuana is also subject to a civil penalty under Title 22, section 2383 of up to \$200.

The furnishing of small amounts of prescription drugs on a casual basis to a friend or relative would fall under section 12 of the criminal code which provides for the dismissal of "de minimis infractions."

Further amend said Bill in section 1 in that part designated "§1107." in subsection 2 by striking out all of paragraphs A and B and inserting in place thereof the following:

- 'A. A Class D crime if the drug is a schedule W or X drug; or
- B. A Class E crime if the drug is a schedule Y drug'

Further amend said Bill in section 1 in that part designated "§1107." in the Comment in the 2nd paragraph by striking out all of the first sentence and inserting in place thereof the following:

← All must also recognize that no drug with major pharmacological action--including alcohol and tobacco, as well as marijuana--can ever be truly safe. It is inevitable that further research will disclose additional hazards. In developing rational social policy, scientific evidence of a health hazard must be balanced against social and economic costs incurred by possible alternative strategies for discouraging drug abuse. We sometimes forget that rather than being restricted to our own society, drug abuse is a worldwide phenomenon. It is a problem better met with calm reason than with hysterical reaction.

Further amend said Bill in section 1 in that part designated "§1107." in the Comment in the 2nd paragraph in the 13th line (10th line in L.D.) by inserting after the word "Commission" the words 'and the Legislature'

Further amend said Bill in section 1 in that part designated "§1151." by inserting after subsection 1 the following:

'2. To encourage restitution in all cases in which the victim can be compensated and other purposes of sentencing can be appropriately served.'

Further amend said Bill in section 1 in that part designated "§1151." by renumbering subsections 2 to 7 to be subsections 3 to 8.

Further amend said Bill in section 1 in that part designated "§1151." in the Comment by inserting at the end the following paragraph.

'Subsection 2 specifically states that, whenever possible, restitution to the victims of crimes by those committing those crimes shall be required.'

Further amend said Bill in section 1 by striking out all of that part designated "§1156." including the Comment.

Further amend said Bill by inserting after section 4 the following:

'Sec. 4-A. 15 MRSA §2555 is enacted to read:

§2555. Possession of marijuana by minor

1. A juvenile is guilty of possession of marijuana by a minor if, being less than 18 years old, he possesses a usable amount of what he knows of believes to be marijuana.

2. All of the dispositional powers of the juvenile court provided in section 2611 shall apply to a juvenile who is found to have violated this section, except that no commitment of such juvenile shall be made under section 2611, subsection 4, paragraphs A-1 and B and any fine required under section 2611, subsection 4, paragraph H, shall not exceed \$200.

Comment \*

This section provides a separate juvenile offense for possession of marijuana and it further provides that all of the dispositional power of the juvenile court shall be applicable to a violation of this section, except that a juvenile who has violated its provisions may not be committed to the Men's or Women's Correctional Center or to the Boy Training Center or the Stevens School and may be fined not more than \$200.

Further amend said Bill in section 5 in the amending clause by striking out the underlined figure and punctuation "3,"

Further amend said Bill by inserting after section 5 the following:

'Sec. 5-A. 17 MRSA §52 is repealed.'

Further amend said Bill in section 31 in the Comment by inserting at the end the following new sentence:

'The conduct described here might, however, be subject to criminal prosecution as reckless conduct under section 212 of the criminal code.'

Further amend said Bill in section 32 in the Comment by inserting at the end the following new sentence:

'The conduct described here might, however, be subject to criminal prosecution as reckless conduct under section 212 of the criminal code.'

Further amend said Bill in section 51 in the 5th line (same in L.D.) by striking out the underlined figure "\$100" and inserting in place thereof the underlined figure '\$200'

Further amend said Bill in section 51 in the Comment in the first paragraph by inserting at the end the following sentences:

'It also provides a specific civil penalty of up to \$200 for possession of any usable amount of marijuana. Section 1106 of the criminal code provides for a presumption that a person is unlawfully furnishing a scheduled drug when he possesses more than <sup>1 1/2</sup> ounces of marijuana which offense is classified as a Class D crime.'

Further amend said Bill by inserting after section 53 the following:

'Sec. 53-A. 22 MRSA §2387, sub-§1, ¶¶ A and B, as enacted by PL 1973, c. 524, are amended to read:

A. All materials, products and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, dispensing, distributing, importing or exporting any substance in violation of ~~sections-22107-2210-A7-2212-B7-2212-E7-2212-B7-23627-2362-E-or-2384~~ Title 17-A, chapter 45.

B. All conveyances, including aircraft, watercraft, vehicles or vessels, which are used or are intended for use, to transport, conceal or otherwise to facilitate the manufacture, dispensing, or distribution of, or possession with intent to manufacture, dispense or distribute a substance in violation of ~~sections-22107-2210-A7-2212-B7-2212-E7-2212-B7-23627-2362-E-or-2384~~ Title 17-A, chapter 45.

Sec. 53-B. 22 MRSA §2387, sub-§3, ¶A, as enacted by PL 1973, c. 524, is amended to read:

A. No conveyance used by any person as a common carrier in the transaction of business as a common carrier shall be forfeited unless it shall appear that the owner or other person in charge of such conveyance was a consenting party or privy to a violation of ~~sections-22107~~

2210-A, 2212-B, 2212-C, 2212-E, 2362, 2362-C or 2384

Title 17-A, chapter 45.

Comment\*

The amendments to Title 22, section 2387 are necessary in order to have the forfeitures apply to violations of the criminal drug laws of the criminal code.'

Further amend said Bill by inserting after section 54 the following:

'Sec. 54-A. 30 MRSA §2701 is repealed.

Comment\*

Title 30, section 2701 provides for the offense of fraud by a guest or customer of a hotel, inn, boarding house or eating house. This offense is covered by sections 357 and 905 of the criminal code.'

Statement of Fact

The first 3 subsections and the amendments to sections 201, 203, 554, 752, 851, 901, 31, 32, 503, 504, 505 and sections 53-A and 54-A add clarifying language and definitions to bring these sections of the code in conformity with other sections.

The amendment concerning sections 53 and 101 clarifies technical points about the time of the offense and the type of criminal negligence.

The amendment to section 106 is for the purpose of permitting greater latitude to teachers or other persons entrusted with care of a person by striking out the prohibition against causing mental distress or humiliation.

Section 210 was deleted as being unnecessary because it simply added an additional penalty on top of existing statutes and regulations.

The amendment to section 251 was for the purpose of increasing the scope of sex offenses and eliminating the statute of limitations concerning rape.

Amendments to section 351 and 361 strengthen the remedies against the crime of shoplifting.

The amendments to sections 401, 510 and 801 enlarge the scope of the crimes of burglary, cruelty to animals and arson.

The amendment to section 552 is to strengthen the hand of the Department of Health and Welfare in forcing delinquent parents to support their minor children.

The amendment to section 557 is to respect the religious convictions of those who place emphasis on spiritual treatment of health problems.

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The amendment designated section 853-A restores to the law the traditional crime of prostitution.

The amendment to section 1151 is to introduce the requirement of restitution into the sentencing provisions and places this purpose 2nd only in importance to deterrence, rehabilitation and restraint.

Sections 9 and 1156 were removed from the original bill because new rules of criminal procedure covering these matters have been promulgated by the Supreme Judicial Court.

Several revisions to the drug section have been made, including a reorganizing of the severity of the exotic species of drugs and a definite measurement of the amount of marijuana which creates a presumption of "furnishing" that drug. The specific civil penalty for possession of any usable amount of marijuana has been increased from a maximum of \$100 to \$200. Juveniles involved with any quantity of marijuana are guilty of a juvenile offense to be treated under our present juvenile court laws, except that there will be no incarceration.

One and one half  
/ ounces of marijuana is the measurement of the maximum amount which one may possess and still be subject to the civil penalties before being subject to prosecution for "furnishing" on the criminal side of the court. Sections dealing with these matters are sections 1106, 1107, 1101 and 1102, section 51 and new section 4-A.

A repealer section has been removed so that the existing statute on abortion remains as is, consistent with the vote already taken in the 107th Legislature on another bill.

The amendment concerning sexual abuse of minors restores



the age of 16, the present rule, to the law in place of the age of 18.

The use of mace for self-defense has been added to section 1002.

Reported by the Committee on Judiciary.

Reproduced and distributed pursuant to Senate Rule 11-A.  
June 4, 1975 (Filing No. S-265)