

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 EIGHTH LEGISLATURE

Legislative Document

No. 1500

H. P. 1272

House of Representatives, April 11, 1977

On motion of Mr. Spencer of Standish, referred to Committee on Judiciary.
Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Devoe of Orono.

Cosponsors: Mr. Gillis of Calais and Mr. Joyce of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT to Repeal the Marijuana Decriminalization Statute.

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

Sec. 1. 17-A MRSA § 1107-A is enacted to read:

§ 1107-A. Unlawful possession of marijuana

1. A person is guilty of unlawful possession of marijuana if he intentional-ly or knowingly possesses 1½ ounces or less of what he knows or believes to be marijuana and which is, in fact, marijuana.

2. Notwithstanding the provisions of section 4, a person convicted of un-lawful possession of marijuana shall be punished by:

A. For the first conviction, a fine of not less than \$50 nor more than \$200;

B. For a 2nd conviction, a fine of not less than \$100 nor more than \$500 or imprisonment for not more than 30 days, or both; or

C. For a 3rd or subsequent conviction, a fine of not less than \$150 nor more than \$1,000 or by imprisonment for not more than 6 months.

Sec. 2. 22 MRSA § 2383, as last repealed and replaced by PL 1975, c. 499, § 51, is repealed.

STATEMENT OF FACT

The Maine Criminal Code in 1975 drastically changed longstanding prior law by removing criminal penalties for possession of 1½ ounces or less of

marijuana. Decriminalization has been actively promoted by financially strong lobby groups such as NORML which has emphasized an alleged overwhelming social acceptance of marijuana. This group has fostered the idea that because so many people are using marijuana it should be decriminalized.

There is now increasing concern that the act of the Legislature in removing criminal penalties for possession is considered tantamount to legalization in the public mind. Evidence shows that many Maine youngsters believe that marijuana possession, and therefore use, must be alright because they can no longer be arrested.

A growing body of medical, scientific, and psychiatric evidence confirms that marijuana is a psycho active drug that carries with it clear cut biological hazards. This law will act as a deterrent to the spreading use of a dangerous substance.