

# MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 2080

H. P. 1999

House of Representatives, January 16, 1978

Referred to the Committee on Judiciary. Sent up for concurrence. Approved for introduction by the Legislative Council pursuant to Joint Rule 24 and 2,000 ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Hughes of Auburn.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-EIGHT

**AN ACT to Make Trafficking in Five Pounds or More of Marijuana a Class C  
Crime under the Maine Criminal Code.**

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

Sec. 1. 17-A MRSA § 1101, sub-§ 17, ¶ D, as enacted by PL 1975, c. 499, § 1, is amended to read:

D. To possess with the intent to do any act mentioned in paragraph C, except that possession of **under 5 pounds of** marijuana with such intent shall be deemed furnishing.

Sec. 2. 17-A MRSA § 1103, sub-§ 2, ¶ B, as enacted by PL 1975, c. 499, § 1, is amended to read:

B. A Class C crime if the drug is a scheduled X drug; ~~or~~

Sec. 3. 17-A MRSA § 1103, sub-§ 2, ¶ C, as enacted by PL 1975, c. 499, § 1, is amended to read:

C. ~~A Except as set out in paragraph D, a Class D crime if the drug is a schedule Y or schedule Z drug; or~~

Sec. 4. 17-A MRSA § 1103, sub-§ 2, ¶ D is enacted to read:

**D. A Class C crime if the drug is marijauna in a quantity of 5 pounds or more.**

Sec. 4. 17-A MRSA § 1103, sub-§ 3 is enacted to read:

**3. A person shall be presumed to be unlawfully trafficking in scheduled drugs if he intentionally or knowingly possesses 5 pounds or more of marijuana.**

Sec. 5. 17-A MRSA § 1106, sub-§ 3, as enacted by PL 1975, c. 499, § 1, is amended to read:

**3. A person shall be presumed to be unlawfully furnishing a scheduled drug if he intentionally or knowingly possesses more than 1½ ounces and less than 5 pounds of marijuana.**

#### STATEMENT OF FACT

The purpose of this bill is to make trafficking in 5 pounds or more of marijuana a Class C crime. The bill also creates a presumption that knowing or intentional possession of 5 or more pounds of marijuana is unlawful trafficking.