

# 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)

2  
3  
4  
5

STATE OF MAINE  
HOUSE OF REPRESENTATIVES (Filing No. H-34)  
111TH LEGISLATURE  
FIRST REGULAR SESSION

6  
7  
8

COMMITTEE AMENDMENT "A" to H.P. 140,  
L.D. 148, Bill, "AN ACT to Make Possession of Mari-  
juana a Criminal Offense."

9  
10  
11

Amend the bill by striking out all of the first  
line after the enacting clause and inserting in its  
place the following:

12

'Sec. 1. 17 MRSA c. 70 is enacted to read:

13

CHAPTER 70

14

MARIJUANA'

15  
16  
17  
18

Further amend the bill by striking out in the  
first line after the amending clause (page 1, line 23  
in L.D.) the following "§1107-A" and inserting in its  
place the following '§2021'

19  
20  
21  
22  
23

Further amend the bill in section 1, in that part  
designated "§1107-A", subsection 1, in the 2nd line  
(page 1, line 25 in L.D.) by inserting after the  
underlined word "marijuana" the following: ', as de-  
defined in Title 17-A, section 1101, subsection 1,'

24  
25  
26  
27

Further amend the bill in section 1 in that part  
designated "§1107-A" in subsection 2 (page 1, lines  
28 to 30 in L.D.) by striking out all of the first  
paragraph and inserting in its place the following:

28  
29

'2. A person convicted of unlawful possession of  
marijuana shall be punished by:'

30  
31  
32  
33

Further amend the bill in section 1 in that part  
designated "§1107-A" in subsection 2, paragraph C in  
the 2nd line (page 2, line 5 of L.D.) by striking out  
the underlined word "by"

COMMITTEE AMENDMENT "A" to H.P. 140, L.D. 148

1 Further amend the bill in section 1 in that part  
2 designated "§1107-A" in subsection 2, paragraph C in  
3 the 3rd line (page 2, line 6 of L.D.) by inserting  
4 after the underlined word "months" the underlined  
5 punctuation and words ', or both'

6 Further amend the bill by inserting before  
7 section 2 the following;

8 'Sec. 2. 17-A MRSA §4, sub-§2, as repealed and  
9 replaced by PL 1981, c. 324, §3, is amended to read:

10 2. All civil violations are expressly declared  
11 not to be criminal offenses. They are enforceable by  
12 the Attorney General, his representative or any other  
13 appropriate public official in a civil action to  
14 recover what may be designated a fine, penalty or  
15 other sanction, or to secure the forfeiture that may  
16 be decreed by the statute. Evidence obtained pursuant  
17 to an unlawful search and seizure shall not be admis-  
18 sible in a civil violation proceeding arising under  
19 Title 22, section 2383.'

20 Further amend the bill by renumbering section 2  
21 to be section 3.

22 STATEMENT OF FACT

23 This amendment makes primarily technical changes  
24 in the bill. The amendment:

25 1. Places this law in Title 17, rather than  
26 Title 17-A, because the penalties provided in the  
27 bill do not conform to the penalty scheme of the  
28 Maine Criminal Code;

29 2. Refers to the definition of marijuana in  
30 Title 17-A; and

31 3. Adds to the penalties provided in Title 17,

COMMITTEE AMENDMENT "A" to H.P. 140, L.D. 148

1 section 2021, subsection 2, paragraph C, the pos-  
2 sibility of a sentence of both a fine and prison  
3 term. This coincides with the penalty scheme estab-  
4 lished in paragraph B.

5

2593022483

Reported by the Minority of the Committee on Judiciary  
Reproduced and distributed under the direction of the Clerk of the  
House  
2/28/83