

MAINE STATE LEGISLATURE

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L.D. 406
(Filing No. H-333)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 294, L.D. 406, Bill, "An Act to Criminalize Marijuana"

Amend the bill by striking out all of the title and inserting in its place the following:

'An Act to Strengthen the Laws Concerning Marijuana'

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 17-A MRSA §1103, sub-§2, ¶A, as amended by PL 1977, c. 647, §2, is further amended to read:

A. A Class B crime if the drug is a schedule W drug or if it is marijuana in a quantity of 1,000 20 pounds or more;

Sec. 2. 17-A MRSA §1106, sub-§3, as amended by PL 1987, c. 535, §4, is further amended to read:

3. A person shall be presumed to be unlawfully furnishing a scheduled drug if he that person intentionally or knowingly possesses more than 1-1/2 1 1/4 ounces of marijuana, 14 grams or more of cocaine or 14 grams or more of heroin.

Sec. 3. 22 MRSA §2382, sub-§1, as enacted by PL 1987, c. 747, §3, is amended to read:

1. Marijuana. Possession of a usable amount of marijuana is a civil violation for which a forfeiture of not ~~more~~ less than \$200 may nor more than \$400 shall be adjudged for the first offense. A forfeiture of \$400 shall be adjudged for the 2nd and subsequent offenses within a 6-year period.'

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STATEMENT OF FACT

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7 This amendment, rather than criminalizing possession of a
9 small amount of marijuana as proposed by the bill, strengthens
11 the laws concerning possession of marijuana in 3 ways. First, it
13 lowers the amount of marijuana possessed necessary for a
15 presumption of trafficking from more than 1,000 pounds to more
17 than 20 pounds. Second, it lowers the amount of marijuana
19 necessary for a presumption of unlawful furnishing from more than
1 1/2 ounces to more than 1 1/4 ounces. Third, this amendment
increases the maximum forfeiture which may be imposed for
possession of a small amount of marijuana from \$200 to \$400. The
amendment makes the amount of the civil forfeiture for the
possession of 1 1/4 or less a mandatory \$200 minimum for the
first offense. For 2nd and subsequent offenses in a 6-year
period, the civil forfeiture is a mandatory \$400.

Reported by the Committee on Judiciary
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House
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