

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 250

H.P. 196

House of Representatives, January 27, 2009

An Act To Streamline and Clarify Laws Pertaining to the Civil and Criminal Possession of Marijuana

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative CROCKETT of Augusta.
Cosponsored by Senator GERZOFKY of Cumberland and
Representatives: BLANCHARD of Old Town, BLODGETT of Augusta, BROWNE of
Vassalboro, CONNOR of Kennebunk, HANLEY of Gardiner, HASKELL of Portland,
WEBSTER of Freeport, Senator: ALFOND of Cumberland.

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

2 **Sec. 1. 17-A MRSA §1107-A, sub-§1, ¶F,** as enacted by PL 2001, c. 383, §127
3 and affected by §156, is amended to read:

4 F. A schedule Z drug. Violation of this paragraph is a Class E crime: unless the
5 drug is marijuana, in which case a violation of this paragraph is:

6 (1) For possession of over 4 ounces to 8 ounces of marijuana, a Class E crime;

7 (2) For possession of over 8 ounces to 16 ounces of marijuana, a Class D crime;

8 (3) For possession of over one pound to 20 pounds of marijuana, a Class C
9 crime; and

10 (4) For possession of over 20 pounds of marijuana, a Class B crime.

11 **Sec. 2. 22 MRSA §2383, sub-§1,** as amended by PL 2005, c. 386, Pt. DD, §3, is
12 further amended to read:

13 **1. Marijuana.** Except as provided in section 2383-B, subsection 5, a person may
14 not possess marijuana.

15 A. A person who possesses a usable amount of marijuana commits a civil violation
16 for which a fine of ~~not less than \$350 and not more than \$600~~ must be adjudged for
17 possession of up to 1 1/4 ounces of marijuana and a fine of \$700 must be adjudged
18 for possession of over 1 1/4 ounces to 4 ounces of marijuana, none of which may be
19 suspended.

20 B. A person who possesses a usable amount of marijuana after having previously
21 violated this subsection within a 6-year period commits a civil violation for which a
22 fine of \$550 must be adjudged for possession of up to 1 1/4 ounces of marijuana and
23 a fine of \$1,000 must be adjudged for possession of over 1 1/4 ounces to 4 ounces of
24 marijuana, none of which may be suspended.

25 SUMMARY

26 This bill changes the civil fines and the criminal penalties for possession of
27 marijuana.