



## **125th MAINE LEGISLATURE**

## FIRST REGULAR SESSION-2011

**Legislative Document** 

No. 754

H.P. 561

House of Representatives, March 1, 2011

## An Act To Remove Criminal Penalties for Possession of up to 5 Ounces of Marijuana

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

Heath & Puit

HEATHER J.R. PRIEST Clerk

Presented by Representative CHIPMAN of Portland. Cosponsored by Representatives: CEBRA of Naples, DUNPHY of Embden, HARLOW of Portland, HARVELL of Farmington, RUSSELL of Portland.

1	Be it enacted by the People of the State of Maine as follows:
2 3	Sec. 1. 17-A MRSA §1106, sub-§3, $\P$ A, as amended by PL 2009, c. 67, §1, is further amended to read:
4	A. More than $\frac{2 - 1/2}{2} \frac{5}{2}$ ounces of marijuana;
5 6	<b>Sec. 2. 17-A MRSA §1107-A, sub-§1, </b> ¶ <b>F,</b> as amended by PL 2009, c. 67, §2, is further amended to read:
7 8	F. A schedule Z drug. Violation of this paragraph is a Class E crime unless the drug is marijuana, in which case a violation of this paragraph is:
9 10	(1) For possession of over $\frac{2 - 1}{2} \frac{5}{5}$ ounces to 8 ounces of marijuana, a Class E crime;
11	(2) For possession of over 8 ounces to 16 ounces of marijuana, a Class D crime;
12 13	(3) For possession of over one pound to 20 pounds of marijuana, a Class C crime; and
14	(4) For possession of over 20 pounds of marijuana, a Class B crime.
15 16	<b>Sec. 3. 22 MRSA §2383, sub-§1, </b> ¶ <b>A</b> , as repealed and replaced by PL 2009, c. 652, Pt. B, §6, is amended to read:
17 18 19 20 21	A. A person who possesses a usable amount of marijuana commits a civil violation for which a fine of not less than \$350 and not more than \$600 $$250$ must be adjudged for possession of up to $\frac{1}{1.14}$ $\frac{5}{2}$ ounces of marijuana and a fine of not less than \$700 and not more than \$1,000 must be adjudged for possession of over 1 1/4 ounces to 2 $\frac{1}{2}$ ounces of marijuana, none of which may be suspended.
22 23	<b>Sec. 4. 22 MRSA §2383-B, sub-§3, ¶E,</b> as amended by PL 2009, c. 631, §6 and affected by §51, is further amended to read:
24 25 26	E. "Usable amount of marijuana for medical use" means $\frac{2 + 1/2}{2}$ ounces or less of prepared marijuana, as defined in section 2422, subsection 14, and a total of 6 plants as defined by the department pursuant to section 2424, subsection 1.
27 28	<b>Sec. 5. 22 MRSA §2423-A, sub-§1, </b> ¶ <b>A</b> , as enacted by PL 2009, c. 631, §21 and affected by §51, is amended to read:
29 30	A. Possess up to $\frac{2 \cdot 1}{2} \frac{5}{2}$ ounces of prepared marijuana and an incidental amount of marijuana as provided in subsection 5;
31 32	<b>Sec. 6. 22 MRSA §2423-A, sub-§1, ¶D,</b> as enacted by PL 2009, c. 631, §21 and affected by §51, is amended to read:
33 34 35	D. Furnish or offer to furnish to another registered patient for that person's medical use of marijuana up to $\frac{2-1}{2}$ ounces of prepared marijuana if nothing of value is offered or transferred in return;

- Sec. 7. 22 MRSA §2423-A, sub-§2, ¶A, as enacted by PL 2009, c. 631, §21 and
   affected by §51, is amended to read:
- 3 A. Possess up to  $\frac{2 \cdot 1}{2} \cdot \frac{5}{5}$  ounces of prepared marijuana and an incidental amount of 4 marijuana as provided in subsection 5 for each patient who has named the person as a 5 primary caregiver;
- 6 Sec. 8. 22 MRSA §2428, sub-§1-A, ¶A, as enacted by PL 2009, c. 631, §42 and 7 affected by §51, is amended to read:

8 A. Possess up to 2-1/2 5 ounces of prepared marijuana and an incidental amount of 9 marijuana for each patient who has designated the dispensary. For the purposes of 10 this chapter, any incidental amount of marijuana plants, seeds, stalks and roots, as 11 defined by rule adopted by the department, is lawful for a dispensary to possess and 12 is not included in the amounts of prepared marijuana specified in this paragraph;

- 13
   Sec. 9. 22 MRSA §2428, sub-§7, as amended by PL 2009, c. 631, §42 and

   14
   affected by §51, is further amended to read:
- 7. Maximum amount of marijuana to be dispensed. A dispensary or a principal
   officer, board member or employee of a dispensary may not dispense more than 2-1/2 5
   ounces of prepared marijuana to a registered patient or to a primary caregiver on behalf of
   a registered patient during a 15-day period.

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## **SUMMARY**

This bill provides that a person who possesses 5 ounces or less of marijuana commits a civil violation for which a fine of not more than \$250 must be adjudged. Current law provides that a person who possesses 2 1/2 ounces or less of marijuana commits a civil violation for which a fine of not more than \$1,000 must be adjudged. The bill also increases the amount of marijuana a person may possess under the Maine Medical Use of Marijuana Act from 2 1/2 ounces to 5 ounces.