## MAINE STATE LEGISLATURE

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## 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

**Legislative Document** 

No. 667

S.P. 229

In Senate, February 28, 2017

## An Act To Repeal the Legalization of Recreational Marijuana

Reference to the Joint Select Committee on Marijuana Legalization Implementation suggested and ordered printed.

HEATHER J.R. PRIEST Secretary of the Senate

Heath Je Buit

Presented by Senator CYRWAY of Kennebec.
Cosponsored by Representative CAMPBELL of Orrington and
Senators: DOW of Lincoln, WHITTEMORE of Somerset, Representatives: CRAIG of Brewer,
PICKETT of Dixfield, PIERCE of Dresden, SIMMONS of Waldoboro, SIROCKI of
Scarborough, STEWART of Presque Isle.

2	Sec. 1. 7 MRSA c. 417, as amended, is repealed.
3 4	<b>Sec. 2. 15 MRSA §3103, sub-§1, ¶B,</b> as amended by PL 2017, c. 1, §19, is further amended to read:
5	B. Offenses involving illegal drugs or drug paraphernalia as follows:
6 7 8	(1) The possession of a useable amount of marijuana, as provided in Title 22, section 2383, subsection 1-A 1, unless the juvenile is authorized to possess marijuana for medical use pursuant to Title 22, chapter 558-C;
9 10	(2) The use or possession of drug paraphernalia as provided in Title 17-A, section 1111-A, subsection 4-B; and
11 12	(3) Illegal transportation of drugs by a minor as provided in Title 22, section 2389, subsection 2;
13 14	<b>Sec. 3. 22 MRSA §2383, sub-§1,</b> as repealed by IB 2015, c. 5, §2, is reenacted to read:
15 16	1. Marijuana. Except as provided in chapter 558-C, a person may not possess marijuana.
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 must be adjudged for possession of up to 1 1/4 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 1/2 ounces of marijuana, none of which may be suspended.
22 23	Sec. 4. 22 MRSA §2383, sub-§1-A, as enacted by PL 2017, c. 1, §20, is repealed.
24 25	<b>Sec. 5. 36 MRSA §1817,</b> as enacted by IB 2015, c. 5, §3 and amended by PL 2017, c. 1, §21, is repealed.
26 27 28 29 30 31	Sec. 6. Statutory referendum procedure; Submission at statewide election; form of question; effective date. This Act must be submitted to the legal voters of the State at a statewide election held in November 2018. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Act by voting on the following question:
32 33 34 35 36	"Do you favor repealing the Marijuana Legalization Act, which allows the commercial cultivation, sale, purchase, manufacture, possession and use of marijuana and marijuana products and the personal cultivation, possession and use of marijuana and marijuana products, and the tax that is imposed on the sale of marijuana and marijuana products?"

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

1

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns. If a majority of the legal votes are cast in favor of this Act, the Governor shall proclaim the result without delay and this Act becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purposes of this referendum.

12 SUMMARY

This bill repeals the Marijuana Legalization Act, which allows the commercial cultivation, sale, purchase, manufacture, possession and use of marijuana and marijuana products and the personal cultivation, possession and use of marijuana and marijuana products, and the tax that is imposed on the sale of marijuana and marijuana products, if approved by the voters at a referendum held in November 2018. The bill also amends related provisions of law.