

MAINE STATE LEGISLATURE

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AN EVALUATION OF THE DECRIMINALIZATION OF MARIJUANA IN MAINE — 1978

... "It is especially important that a complete revision of criminal laws..., seek to distinguish conduct that is truly anti-social and the proper subject of criminal penalties from that which may be looked upon as undesirable, but nonetheless not a fit object for the moral condemnation which a criminal conviction should represent...."

With this comment the Criminal Law Revision Commission recommended, and the Maine Legislature enacted, § 1107 of the Maine Criminal Code, thus making Maine the third State in the nation to decriminalize the personal possession of small amounts of marijuana. Although the revised Criminal Code was signed into law in June of 1975, it did not become effective until May 1, 1976. Approximately two years later, in July and August of 1978, the Maine Office of Alcoholism and Drug Abuse Prevention undertook a state-wide study to determine what effect, if any, the decriminalization of marijuana has had on the people of Maine.

The Decriminalization Survey performs three major functions. First, the survey reveals how many Mainers have ever used and are currently using marijuana and whether the change in the law has caused an increase or decrease in marijuana use. Second, for those persons who have never used marijuana, the survey discloses the reasons - such as health dangers, fear of arrest, etc. - why people choose not to use marijuana. Third, the survey reports public opinion on two issues - whether the decriminalization of marijuana has had a beneficial or harmful effect on the people of Maine, and whether the Legislature should keep the law the way it is, reimpose criminal penalties, or legalize possession and/or sale.

The Survey population consisted of 831 adults and 1,036 high school students. The adults were randomly selected from voting lists in 25 towns and cities to accurately represent a geographically balanced sample of Maine's population. High school students were randomly selected from 10 high schools, again with the response sample representative of the general population distribution.

Although ten other states have enacted some form of marijuana decriminalization, only Oregon and California have made public the results of other state-wide evaluations. Portions of the 1977 Oregon Survey, commissioned by the Drug Abuse Council, Inc., are included in this report for comparison purposes.

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PART I — MARIJUANA USE

- Almost 240,000 Mainers aged 13 and up have tried marijuana and more than 136,000 persons over 13 years of age use marijuana on a regular basis. (Regular use is defined as once or more per month.)
- Among all adults living in Maine, 26.6% (194,000 persons) have tried marijuana and 14% (102,000 persons) use it regularly. (Adult means all persons aged 18 and up.) *For the United States as a whole, 24.5% of all adults report having tried marijuana and 8.2% use it regularly. Comparative figures for the Northeast (the New England states plus New York, New Jersey, and Pennsylvania) are higher, with 29% having tried marijuana and 11% using it regularly.*¹ Among public high school students in Maine, 61% (45,800 persons) have tried marijuana and 45.5% (34,155 persons) use it regularly.
- Although persons who live in smaller towns or who haven't been to college are somewhat less likely to have tried marijuana than their larger city and college graduate counterparts, by far the most significant factor influencing marijuana use is a person's age. Only 1% of Mainers over 45 have tried marijuana and less than 1% of this age group uses it regularly. On the other hand, 70% of all persons aged 18 to 30 have tried marijuana and 42% of this age group use it regularly, while almost half (45.5%) of all public high school students in Maine use marijuana at least once a month.
- More adult men than women have tried marijuana (32% versus 28%). There are also more male than female regular users (17% versus 13%). *The Maine findings are in agreement with national survey results that show more males than females having tried marijuana (30% versus 19%) and more male than female regular users (11% versus 6%).*¹
- The survey revealed that 21,250 adults (3% of all adults in Maine) use marijuana on a daily basis while 73,600 adults (10% of all adults) use it at least once a week.
- Among public high school students, there are four times as many daily users of marijuana than there are daily users of alcohol; 16% of all high school students (12,000 students) reported daily use of marijuana while 4% (3,000 students) indicated that they use alcohol on a daily basis. There are slightly fewer weekly users of marijuana (31% or 23,300 students) than there are weekly student users of alcohol (33% or 24,800 students).
- In Maine, there are more persons under 30 (both adults and high school students) who regularly use marijuana than who regularly use tobacco.

¹ National Survey on Drug Abuse: 1977, US Dept. of Health, Education & Welfare

TABLE 1

MARIJUANA USE BY ADULTS AND HIGH SCHOOL STUDENTS

	% of population who have ever used	% of population who are regular users
All High School Students	61%	45.5%
All Adults	26.6 [29] ¹	14 [11] ¹
Age 13-15	56	42
16-17	65	48
18-24	74	46
25-30	63	35
31-44	23	10
45-64	2	1
65+	0	0

- Among all adult users of marijuana, almost half (48%) report that they have decreased their marijuana use since the decriminalization law took effect, while 13% have increased their use, and 39% report little or no change. Many more high school students than adults have increased their use in the last two years - 38% increased, 26% decreased, and 36% reported little or no change.
- Despite claims to the contrary, the change from criminal to civil penalties has not caused a tremendous increase in marijuana use by either high school students or adults. Less than 1% of all adults, and 3.1% of all high school students reported that their marijuana use increased as a result of the decriminalization law. Expressed as a percentage of regular users, 3.5% of adult regular users and 7% of all high school regular users reported an increase in use directly attributable to the change in the law.
- Once again, age is the predominant factor in distinguishing increasers from decreasers. Relatively few persons over 25 indicated an increase in use and virtually no one over 25 reported that their increase in use was attributable to the change in the law.

¹ Figures in brackets are for the Northeast Region of the U.S. (New England, New York, New Jersey, Penn.) from the National Survey on Drug Abuse: 1977, US Department of HEW

TABLE 2

CHANGES IN MARIJUANA USE SINCE JUNE/JULY, 1976
AMONG MARIJUANA USERS

	Increase	Decrease	Little or no change
All High School Students	38%	26%	36%
All Adults	13 (14) ²	48 (40) ²	39 (46) ²
Age 13-15	40	23	37
16-17	38	28	34
18-24	22	51	27
25-30	6	49	45
31-44	7	48	45
45-64	--	40	60
65+	--	--	--

TABLE 3

INCREASE IN MARIJUANA USE
AS A RESULT OF THE DECRIMINALIZATION LAW

% of Regular Users who have Increased
Use as a Result of Decriminalization

All High School Students	7% (2,390 high school students)
All Adults	3.5 (6,900 adults)
Age 13-15	5
16-17	9
18-24	7
25-30	0
31-44	0
45-64	0
65+	-

² 1977 Marijuana Survey - State of Oregon, Drug Abuse Council, Inc.

PART II — REASONS FOR NOT USING MARIJUANA

- By a substantial margin, the one most important reason for not using marijuana most frequently given by adults (82% of non-users) and high school students (80% of non-users) was that they were "not interested" and that they "didn't need it."
- Trailing far behind, the second reason most frequently given by adults (9%) and high school students (11%) for not using marijuana was that, "it might be dangerous to my health."
- Despite the belief by many law enforcement officials that the law does discourage marijuana use, only two high school students out of a survey population of 1,036 and 4% of the adults surveyed indicated that "fear of arrest or legal prosecution" was the primary reason why they chose not to use marijuana. Furthermore, most (82%) of the persons who did indicate "fear of arrest" as a deterrent were over 65, while few, if any, of the high use age groups (high school students and adults under 30) were deterred from using marijuana by the "fear of arrest or legal prosecution."

TABLE 4

REASONS FOR NOT USING MARIJUANA

	Not available	Not Interested	Fear of Arrest or Prosecution	Health Dangers	Other
All High School Students	4%	80%	less than 1%	11%	4%
All Adults	1 (-) ²	82 (68) ²	4 (6) ²	9 (9) ²	3 (17) ²
Age 13-15	7	77	1	13	2
16-17	1	84	--	9	5
18-24	--	90	--	10	--
25-30	--	83	5	7	5
31-44	--	80	2	14	3
45-64	2	81	--	11	5
65+	--	84	13	2	--

² 1977 Marijuana Survey - State of Oregon, Drug Abuse Council, Inc.

PART III — PUBLIC ATTITUDES REGARDING MARIJUANA LAWS

- When asked what effect the two year old decriminalization law has had on the people of Maine, most adults stated either that they didn't know (40%) or that the law has had "little or no effect" (30%). An almost equal percentage of adults feel that decriminalization has had a "beneficial effect" (16%) as opposed to a "harmful effect" (14%).
- A greater percentage of high school students feel the law has been beneficial (20%) as opposed to harmful (13%), but the clear majority (68%) stated that decriminalization of marijuana has had "little or no effect" on the people of Maine.

TABLE 5

WHAT EFFECT HAS THE DECRIMINALIZATION OF MARIJUANA
HAD ON THE PEOPLE OF MAINE?

	Beneficial	Harmful	Little or No Effect	Don't Know
All High School Students	20%	12%	68%	
All Adults	16 (21) ²	14 (20) ²	30 (41) ²	40 (18) ²
Age 13-15	19	13	68	--
16-17	20	12	68	--
18-24	37	9	24	30
25-30	31	10	31	28
31-44	12	17	38	33
45-64	8	14	32	46
65+	2	18	23	57

² 1977 Marijuana Survey - State of Oregon, Drug Abuse Council, Inc.

- When questioned about alternative methods of controlling marijuana, more than two-thirds of all adults in Maine stated that they would either like to legalize the sale or possession of marijuana (38%), or keep the present law (30%). The remaining one-third of adults (32%) prefer a return to criminal penalties for possession of marijuana. As might be expected, most high school students are in favor of legalizing sale or possession (63%) or keeping the present law (19%). Concurrently, a smaller percentage of high school students (18%) prefer a return to criminal penalties for possession of marijuana.
- The legalization versus return to criminal penalties split in opinion is most pronounced when young adults are compared with older Mainers. Exactly two-thirds (66%) of all adults under 30 would like to legalize either the sale or possession of marijuana while only 22% of all persons over 45 favor legalization. On the other hand, a return to criminal penalties is supported by 40% of all persons over 45 while 16% of adults under 30 support the recriminalization of marijuana.

TABLE 6

	<u>ATTITUDES TOWARDS LEGAL ALTERNATIVES</u>			
	<u>Legalize Possession and Sale</u>	Legalize Possession	Civil Penalties - as is	Criminal Penalties
All High School Students	31%	32%	19%	18%
All Adults	22 (12) ²	16 (17) ²	30 (27) ²	32 (35) ²
Age 13-15	28	31	20	20
16-17	32	33	19	16
18-24	41	26	16	17
25-30	42	23	21	14
31-44	18	15	30	37
45-64	14	15	31	40
65+	6	5	50	39

² 1977 Marijuana Survey - State of Oregon, Drug Abuse Council, Inc.