



131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 1311

H.P. 836

House of Representatives, March 23, 2023

**An Act to Provide That the Legal Use or Possession of Cannabis Is
Not a Violation of Probation, Parole or Pretrial Release**

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

A handwritten signature in black ink that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative BOYER of Poland.
Cosponsored by Senator BRAKEY of Androscoggin and
Representatives: ANDREWS of Paris, DANA of the Passamaquoddy Tribe, WILLIAMS of
Bar Harbor.

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

2 **Sec. 1. 28-B MRS §1501, sub-§3** is enacted to read:

3 **3. Conduct allowed for individuals on probation or parole and released pending**
4 **trial.** Unless the court makes a finding that the cultivation, possession or use of cannabis
5 by an individual creates a risk of danger to the individual or another person, the individual's
6 conduct allowed under this chapter or a positive test of the individual indicating the
7 presence of cannabis, delta-9-tetrahydrocannabinol or any other cannabinoid or metabolite
8 of cannabis may not be considered a violation of probation or parole under Title 34-A,
9 chapter 5 or release pending trial under Title 15, section 1026.

10 **SUMMARY**

11 This bill prohibits an individual's legal cultivation, possession or use of cannabis or
12 testing positive for cannabis from being a violation of probation, parole or release pending
13 trial unless the court finds that the cultivation, possession or use of cannabis by the
14 individual creates a risk of danger to the individual or others.