



MAINE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

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Senator Anne Carney, Chair
Representative Matt Moonen, Chair
Committee on Judiciary
5 State House Station, Room 438
Augusta, ME 04333

RE: LD 1789 "An Act to Remove All Marijuana-related Provisions from the Maine Criminal Code and Expunge All Convictions Involving Marijuana."

Dear Senator Carney, Representative Moonen, and Members of the Committee on Judiciary:

MACDL supports LD 1789.

Maine legalized medical marijuana use in 1999 and recreational marijuana use in 2016. Maine has an Office of Cannabis Policy ("OCP") that develops and enforces administrative rules for the medical and recreational use of marijuana. Notwithstanding this legalization, Maine still has laws that criminalize the "cultivation of marijuana" when a person possesses more than 3 mature marijuana plants. 17-A M.R.S. § 1117 & 28-B M.R.S. § 1502(1). Some of these laws are even felonies punishable by years in prison for possession of plants in quantities that corporations throughout the state possess and sell for profit. *See, e.g.*, 17-A M.R.S. § 1117(1)(B) (making it a Class C felony to possess more than 100 marijuana plants) and 28-B M.R.S. § 301(4) (allowing a tier 4 facility to process up to 20,000 square feet of marijuana plant canopy). The imposition of civil fines on persons cultivating marijuana for sale outside of administrative rules imposed by the OCP is more than sufficient to regulate this now fully legalized plant. The continued criminal prosecution for growing marijuana, regardless of the number of plants, is unnecessary. The complete and total decriminalization of marijuana is long overdue and can be safely done with the OCP regulatory framework and use of civil penalties only.

LD 1789 also expunges all marijuana related convictions. Such expungement is consistent with a full decriminalization of marijuana and recognizes the unnecessary harm inflicted from years of senseless marijuana prosecutions.

Sincerely,

Matthew D. Morgan, Esq.
MACDL Vice President