

CODE OF ORDINANCES

Chapter 31

USE OF MARIJUANA BY PERSONS 21 YEARS OF AGE OR OLDER  
ORDINANCE

**Sec. 1.** Preamble.

WHEREAS, a 1995 study commissioned by the World Health Organization concluded marijuana poses a much less serious public health problem than is currently posed by alcohol;

WHEREAS, an assessment published in 2009 in British Columbia's Mental Health and Addictions Journal found health-related costs for alcohol consumers are more than eight times greater than those for marijuana consumers;

WHEREAS, according to the National Institutes of Health, more than 300 Americans die annually as the result of alcohol overdoses, and there has never been a confirmed marijuana overdose death recorded in the medical literature, as noted by the British Medical Journal in September 2003;

WHEREAS, studies conducted in 1999 by the National Academy of Sciences Institute of Medicine and 1994 by the National Institute on Drug Abuse concluded marijuana is less addictive than alcohol;

WHEREAS, the U.S. Centers for Disease Control and Prevention attributes more than 30,000 American deaths per year to the health effects of alcohol and zero deaths directly to the health effects of marijuana;

WHEREAS, extensive research documented in official reports by the British government's Advisory Council on the Misuse of Drugs and the Canadian Senate Special Committee on Illegal Drugs, among others, shows that — unlike alcohol use — marijuana use is not generally a cause of violence or aggressive behavior, and, in fact, tends to reduce violence and aggression;

WHEREAS, police officers' and prosecutors' time and resources would be better spent addressing violent crimes and property crimes instead of citing and prosecuting adults 21 years of age and older for possession of small amounts of marijuana;

WHEREAS, marijuana laws are disproportionately enforced against communities of color, and, according to a 2013 report produced by the American Civil Liberties Union, African Americans in Maine are more than two times more likely to be arrested for marijuana possession than white citizens are, despite similar rates of consumption;

WHEREAS, in an interview published in The New Yorker in January 2014, President Barack Obama acknowledged that marijuana is less harmful than alcohol in terms of its impact on the consumer;

WHEREAS, police officers and prosecutors have the discretion to refrain from issuing citations to and filing charges against adults 21 years of age and older for possession of small amounts of marijuana; and

Therefore, in the interest of the public health and public safety, and in order to better focus law enforcement resources on crimes involving violence and personal property, the People of South Portland find and declare that the use of marijuana should be legal for persons 21 years of age or older.

**Sec. 2.** Notwithstanding any other ordinance, it shall not be unlawful in South Portland, and must not be used as the basis for prosecution or penalty by South Portland for persons 21 years of age or older, to possess or use marijuana paraphernalia or one ounce or less of marijuana, except that it is not lawful for a person to:

- (a) use or display marijuana or marijuana paraphernalia in a public place; or
- (b) operate, navigate, or be in actual physical control of any motor vehicle, aircraft, or motorboat while under the influence of marijuana.

**Sec. 3.** The City of South Portland, through adoption of this ordinance, resolves to support a change in state law to tax and regulate the sale of marijuana in a manner similar to alcohol.

(Ref. of 11/4/2014)

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**Editor's note**--This citizen-initiated ordinance may conflict with both federal and State law.  
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