

**SOUTH PORTLAND CITY COUNCIL**  
*POSITION PAPER OF THE CITY CLERK*

***SUBJECT:***

**CITIZEN INITIATED ORDINANCE #5-14/15** – Public hearing and action on the citizen initiated proposed use of marijuana by persons 21 years of age or older ordinance and setting the date of the public hearing on the same pursuant to Section 1107 of the City Charter. Passage requires majority vote.

***POSITION:***

On August 4<sup>th</sup> the City Council passed first reading on the proposed citizen initiated ordinance and set August 18<sup>th</sup> as the public hearing date.

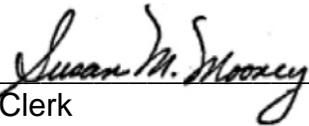
The City Council has the option of adopting the ordinance as proposed by the petitioners by taking action to enact the ordinance at the conclusion of the public hearing.

If the City Council does not pass the proposed citizen initiated ordinance as written, the proposed ordinance must be submitted to the voters at least 30 days but not more than 15 months from the date of the City Council's final vote thereon.

Either way, the City Council must take final action on the proposed ordinance within 60 days of the date it receives it from the City Clerk (either by submitting it to the voters or by enacting the ordinance).

***REQUESTED ACTION:***

Council action on the proposed ordinance at the conclusion of the public hearing.

  
\_\_\_\_\_  
City Clerk



CITY OF SOUTH PORTLAND

GERARD A. JALBERT  
Mayor

JAMES H. GAILEY  
City Manager

SUSAN M. MOONEY  
City Clerk

SALLY J. DAGGETT  
Jensen Baird Gardner & Henry

IN CITY COUNCIL

CITIZEN INITIATED ORDINANCE #5-14/15

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District Three  
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District Four  
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District Five  
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At Large  
MAXINE R. BEECHER

At Large  
THOMAS E. BLAKE

**THE COUNCIL** of the City of South Portland hereby ordains that "Code of Ordinances of the City of South Portland, Maine" be and hereby is amended by adding a new Chapter as follows (additions are underlined; deletions are ~~struck out~~):

**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.

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Explanatory Note (not part of ordinance): This is a citizen initiated ordinance; the entire text is proposed to be added as new text to the Code of Ordinances. Pursuant to City Charter Section 1107, “a proposed initiative ordinance shall be read and provision shall be made for a public hearing upon the proposed ordinance.”

Fiscal Note: Less than \$1,000

Dated: August 4, 2014