

MAINE STATE LEGISLATURE

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SMC
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REPORT C

1

L.D. 113

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Date: 6/15/15

(Filing No. S-2(09))

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CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE

6

SENATE

7

127TH LEGISLATURE

8

FIRST REGULAR SESSION

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COMMITTEE AMENDMENT "B" to S.P. 46, L.D. 113, Bill, "An Act To Reduce the Penalties for Certain Drug Offenses"

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11

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

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Sec. 1. 17-A MRSA §1107-A, sub-§1, ¶A, as enacted by PL 2001, c. 383, §127 and affected by §156, is amended to read:

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A. A schedule W drug ~~that~~ and at the time of the offense the person had one or more convictions for violating this chapter or for engaging in substantially similar conduct to that of the Maine offenses under this chapter in another jurisdiction and the drug is:

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(1) Cocaine and the quantity possessed is more than 14 grams;

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(2) Cocaine in the form of cocaine base and the quantity possessed is more than 4 grams; or

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(3) Methamphetamine and the quantity possessed is more than 14 grams.

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Section 9-A governs the use of prior convictions when determining a sentence, except that, for the purposes of this paragraph, the date of a prior conviction may precede the commission of the offense by more than 10 years.

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Violation of this paragraph is a Class B crime;

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Sec. 2. 17-A MRSA §1107-A, sub-§1, ¶B, as amended by PL 2007, c. 476, §43, is further amended to read:

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B. A schedule W drug ~~that~~ and at the time of the offense the person had one or more convictions for violating this chapter or for engaging in substantially similar conduct to that of the Maine offenses under this chapter in another jurisdiction and the drug contains:

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(1) Heroin (diacetylmorphine);

COMMITTEE AMENDMENT "B" to S.P. 46, L.D. 113

- 1 (2) Cocaine in the form of cocaine base ~~and at the time of the offense the person~~
- 2 ~~has one or more prior convictions for any offense under this chapter or for~~
- 3 ~~engaging in substantially similar conduct to that of the Maine offenses under this~~
- 4 ~~chapter in another jurisdiction. For the purposes of this paragraph, a person has~~
- 5 ~~been convicted of an offense on the date the judgment of conviction was entered~~
- 6 ~~by the court;~~
- 7 (3) Methamphetamine;
- 8 (4) Oxycodone;
- 9 (5) Hydrocodone; or
- 10 (6) Hydromorphone.

11 Section 9-A governs the use of prior convictions when determining a sentence, except
 12 that, for the purposes of this paragraph, the date of a prior conviction may precede the
 13 commission of the offense by more than 10 years.

14 Violation of this paragraph is a Class C crime;

15 **Sec. 3. 17-A MRSA §1152, sub-§2-D** is enacted to read:

16 2-D. In choosing the appropriate punishment for every natural person convicted of a
 17 Class D drug offense, the court shall consider imposing a sentencing alternative that
 18 includes medical and mental health treatment for addiction, when appropriate.'

19 **SUMMARY**

20 This amendment is one of 3 reports of the committee. The amendment reduces
 21 unlawful possession of certain schedule W drugs from a Class B crime to a Class D crime
 22 and of certain other schedule W drugs from a Class C crime to a Class D crime when
 23 there is no prior drug conviction in Maine or another jurisdiction. The amendment directs
 24 the court in sentencing a person for a Class D drug offense to consider imposing a
 25 sentencing alternative that includes medical and mental health treatment for addiction,
 26 when appropriate.

FISCAL NOTE REQUIRED
(See attached)



Approved: 06/13/15 *mezc*

127th MAINE LEGISLATURE

LD 113

LR 639(03)

An Act To Reduce the Penalties for Certain Drug Offenses

Fiscal Note for Bill as Amended by Committee Amendment 'B' (S-269)

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

Fiscal Note

Current biennium savings - General Fund

Minor revenue decrease - General Fund

Correctional and Judicial Impact Statements

Decreases a Class C crime to a Class D crime, potentially shifting incarceration costs from the State to the county and regional jails.

A reduction in fines will decrease General Fund revenue by minor amounts.