

MAINE STATE LEGISLATURE

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STATE OF MAINE
127TH LEGISLATURE
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON CRIMINAL JUSTICE
AND PUBLIC SAFETY**

May 2016

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STATE OF MAINE

127TH LEGISLATURE

SECOND REGULAR SESSION



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the Second Regular Session of the 127th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

CARRIED OVER..... carried over to a subsequent session of the Legislature
CON RES XXX..... chapter # of constitutional resolution passed by both houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; legislation died
DIED BETWEEN HOUSES..... House & Senate disagreed; legislation died
DIED IN CONCURRENCE..... defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or PASSAGE..... emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT..... legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY..... ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX..... chapter # of enacted public law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 127th Legislature is July 29, 2016. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

LD 1541

An Act To Increase Sentences Imposed for the Illegal Importation of Scheduled Drugs

PUBLIC 485

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CYRWAY S NADEAU C	OTP-AM OTP-AM	S-403

This bill raises the class of crime for the illegal importation of scheduled drugs from a Class C crime to a Class B crime if the drug is a schedule W drug and from a Class D crime to a Class C crime if the drug is a schedule X, Y or Z drug.

The bill also creates the crime of aggravated illegal importation of scheduled drugs. Under the new crime, which is based on the crime of aggravated trafficking of scheduled drugs, certain aggravating factors, such as a prior conviction, using a child under 18 years of age to assist with the illegal importation or the quantity of drugs being imported, raise the class of crime by one class.

This bill specifies that the minimum sentence of imprisonment is four years for a Class A violation of illegal importation of drugs or aggravated illegal importation of drugs and two years for a Class B violation of those crimes.

Committee Amendment "A" (S-403)

This amendment is the majority report of the committee. This amendment removes from the bill the provision that specifies a minimum sentence of imprisonment of four years for a Class A violation or two years for a Class B violation of the law prohibiting illegal importation of scheduled drugs. The amendment adds aggravated illegal importation of a scheduled drug to the crimes that may result, under certain circumstances, in the forfeiture of firearms. The amendment retains the provisions of the bill that establish a new crime of aggravated illegal importation of a scheduled drug and specify for that crime a minimum sentence of imprisonment of four years for a Class A violation and two years for a Class B violation.

Committee Amendment "B" (S-404)

This amendment is the minority report of the committee. The amendment raises the class of crime for the illegal importation of scheduled drugs for a schedule W drug from a Class C crime to a Class B crime if the drug is fentanyl powder or the drug is heroin and at the time of the offense the person illegally imports six grams or more of heroin or 270 or more individual bags, folds, packages, envelopes or containers of any kind containing heroin.

Like the bill, this amendment creates the crime of aggravated illegal importation of a scheduled drug; however, the amendment limits the scheduled drugs that may give rise to the crime to fentanyl powder and certain amounts of heroin. The aggravating factors include a prior drug conviction, using a firearm while committing the offense, having a child under 18 years of age assist with the illegal importation and when death is in fact caused by the use of the scheduled drug.

The amendment adds aggravated illegal importation of a scheduled drug to the crimes that may result, under certain circumstances, in the forfeiture of firearms.

The amendment specifies that the minimum sentence of imprisonment is four years for a violation of the law prohibiting aggravated illegal importation of a scheduled drug.

This amendment was not adopted.

Enacted Law Summary

Joint Standing Committee on Criminal Justice and Public Safety

Public Law 2015, chapter 485 raises the class of crime for the illegal importation of scheduled drugs from a Class C crime to a Class B crime if the drug is a schedule W drug and from a Class D crime to a Class C crime if the drug is a schedule X, Y or Z drug.

The law also creates the crime of aggravated illegal importation of scheduled drugs. Under the law, which is based on the crime of aggravated trafficking of scheduled drugs, certain aggravating factors, such as a prior conviction, using a child under 18 years of age to assist with the illegal importation or the quantity of drugs being imported, raise the class of crime by one class. A Class A violation of aggravated illegal importation of drugs carries a minimum sentence of four years and a Class B carries a minimum sentence of two years.

LD 1554 An Act To Resolve Inconsistencies in the Drug Laws

PUBLIC 496

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN K DAVITT J	OTP-AM OTP-AM	S-418 H-664 DION M

This bill corrects a conflict created by Public Law 2015, chapters 308 and 346, which affected the same provision of law. It repeals the provision and replaces it with a new version that provides that a person is guilty of unlawful possession of a scheduled drug and commits a Class C crime if the person intentionally or knowingly possesses what that person knows or believes to be a scheduled drug, which is in fact a scheduled drug, and the drug is a schedule W drug that contains:

1. Heroin;
2. Cocaine in the form of cocaine base, oxycodone, hydrocodone or hydromorphone and at the time of the offense the person had one or more convictions for violating the State's drug laws or for engaging in substantially similar conduct to that of offenses under the State's drug laws in another jurisdiction;
3. Methamphetamine;
4. Oxycodone and the aggregate quantity of pills, capsules, tablets, mixtures or substances is equal to or more than 30 milligrams;
5. Fentanyl powder;
6. Cocaine and the quantity possessed is seven grams or more; or
7. Cocaine in the form of cocaine base and the quantity possessed is two grams or more.

Committee Amendment "A" (S-417)

This amendment is the majority report of the committee. This amendment repeals two conflicting versions of the Maine Revised Statutes, Title 17-A, section 1107-A, subsection 1, paragraph B, which was amended by Public Law 2015, chapter 308, section 2 and chapter 346, section 6. The amendment resolves the conflicts and enacts a new version of Title 17-A, section 1107-A, subsection 1, paragraph B. Under this amendment, and subject to other provisions of law that address the quantities of drugs possessed:

1. The first offense of possession of oxycodone, hydrocodone or hydromorphone is a Class D crime, and a second or subsequent offense is a Class C crime;
2. Possession of heroin, methamphetamine and fentanyl powder is a Class C crime;