

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 135

S. P. 64

In Senate, January 25, 1977

Referred to the Committee on Judiciary. Sent down for concurrence and ordered printed.

MAY M. ROSS, Secretary

Presented by Senator Pray of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT to Impose a Mandatory Minimum Sentence for Drug Sales.

Be it enacted by the People of the State of Maine, as follows:

17-A MRSA § 1252-A is enacted to read:

§ 1252-A. Sentences for unlawful trafficking or aggravated trafficking in schedule W or X drugs

1. Notwithstanding any other provision of law, unless the court sets forth in detail for the record the findings described in subsection 2, concerning sentences to be imposed under paragraphs A and B of this subsection it shall impose minimum terms of imprisonment, which shall not be suspended, as follows:

A. A term of imprisonment for not less than 2 years for the offense of unlawful trafficking in a schedule W drug, as defined in section 1103;

B. A term of imprisonment for not less than one year for the offense of unlawful trafficking in a schedule X drug, as defined in section 1103;

C. A term of imprisonment for not less than 4 years for the offense of aggravated trafficking in a schedule W drug, as defined in section 1105; and

D. A term of imprisonment for not less than 2 years for the offense of aggravated trafficking in a schedule X drug, as defined in section 1105.

2. The findings referred to in subsection 1 are the reasons why, having regard to the nature and circumstances of the crime and the history and character of the defendant, the court is of the opinion that there are excep-

tional features to the case which justify the imposition of a sentence other than imprisonment or of an imprisonment sentence for a lesser term of years than would otherwise be required by subsection 1, paragraphs A and B.

STATEMENT OF FACT

This bill is designed to impose mandatory minimum sentences, subject to certain judicial findings, for the unlawful manufacture, cultivation, sale, trade or possession with the intent to sell of schedule W and X drugs, that is, amphetamines, barbiturates, cocaine, heroin, other narcotic drugs and hallucinogenic drugs.