

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 374

H. P. 280

House of Representatives, February 9, 1977

Referred to the Committee on Judiciary. Sent up for concurrence and 2,000 copies ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Perkins of Blue Hill.

Cosponsor: Mrs. Gill of South Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT to Amend the Laws Relating to the Classification of Drug Offenses.

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

Sec. 1. 17-A MRSA § 401, sub-§ 3, as last amended by PL 1975, c. 740, § 60, is further amended to read:

3. A person may be convicted both of burglary and of the crime which he committed or attempted to commit after entering or remaining in any place where controlled drugs are manufactured, stored and distributed in the dwelling place, other building, structure or place of business, but sentencing for both crimes shall be governed by chapter 47, section 1155.

Sec. 2. 17-A MRSA § 1102, sub-§ 3, ¶ V is enacted to read:

V. All prescription drugs other than those included in schedules W or X.

Sec. 3. 17-A MRSA § 1102, sub-§ 4, as enacted by PL 1975, c. 499, § 1, is repealed and the following enacted in its place:

4. Schedule Z:

A. Marijuana;

B. All nonprescription drugs other than those included in schedules W, X or Y as the Board of Pharmacy shall duly designate.

Sec. 4. 17-A MRSA § 1103, sub-§ 2, ¶¶ B and C, as enacted by PL 1975, c. 499, § 1, are repealed and the following enacted in their place:

B. A Class C crime if the drug is a schedule X or schedule Y drug; or

C. A Class D crime if the drug is a schedule Z drug.

Sec. 5. 17-A MRSA § 1104, as enacted by PL 1975, c. 499, § 1, is repealed and the following enacted in its place:

§ 1104. Trafficking in or furnishing counterfeit drugs

1. A person is guilty of trafficking in or furnishing counterfeit drugs if he intentionally or knowingly trafficks in or furnishes a substance which he represents to be a scheduled drug but which, in fact, is not a scheduled drug.

2. Violation of this section is:

A. A Class C crime if the substance is capable, in fact, of causing death or serious bodily injury when taken or administered in the customary or intended manner; or

B. A Class D crime if the substance is not capable, in fact, of causing death or serious bodily injury when taken or administered in the customary or intended manner.

Sec. 6. 17-A MRSA § 1106, sub-§ 2, as enacted by PL 1975, c. 499, § 1, is repealed and the following enacted in its place:

2. Violation of this section is:

A. A Class B crime if the drug is a schedule W drug;

B. A Class C crime if the drug is a schedule X or Y drug; or

C. A Class D crime if the drug is a schedule Z drug.

Sec. 7. 17-A MRSA § 1107, sub-§ 2, as enacted by PL 1975, c. 499, § 1, is repealed and the following enacted in its place:

2. Violation of this section is:

A. A Class C crime if the drug is a schedule W or X drug;

B. A Class D crime if the drug is a schedule Y drug; or

C. A Class E crime if the drug is a schedule Z drug, other than marijuana.

Sec. 8. 17-A MRSA § 1107-A is enacted to read:

§ 1107-A. Unlawful possession of marijuana

1. A person is guilty of unlawful possession of marijuana if he intentionally or knowingly possesses a quantity of marijuana which, in fact, exceeds 1½ ounces, unless the conduct which constitutes such possession is expressly authorized by Title 22.

2. Unlawful possession of marijuana is a Class E crime.

STATEMENT OF FACT

The purpose of this bill is to strengthen the existing laws by increasing the penalties relating to the possession of dangerous drugs and narcotics.