

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 2082

S. P. 674

In Senate, January 17, 1978

Governor's bill. The Committee on Judiciary suggested.

MAY M. ROSS, Secretary

Presented by Senator Pray of Penobscot.

Cosponsor: Senator Pierce of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-EIGHT

AN ACT Relating to the Importation of Drugs.

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

Sec. 1. 17-A MRSA § 1101, sub-§ 17, ¶ D, as enacted by PL 1975, c. 499, § 1, is amended to read:

D. To possess with intent to do any act mentioned in paragraph C. ~~except that possession of marijuana with such intent shall be deemed furnishing~~

Sec. 2. 17-A MRSA § 1103, sub-§ 2, ¶¶ B and C, as enacted by PL 1975, c. 499, § 1, are amended to read:

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

C. A Class D crime if the drug is a ~~schedule Y or~~ schedule Z drug; provided that unlawfully trafficking in marijuana in an amount which, in fact, exceeds one pound is a Class C crime.

Sec. 3. 17-A MRSA § 1103, sub-§§ 3 and 4 are enacted to read:

3. The sentencing class for unlawful trafficking in a scheduled drug shall be

one class higher if the State pleads and proves that the person was unlawfully trafficking in a scheduled drug which he or an accomplice intentionally or knowingly brought into this State.

4. A person shall be presumed to be unlawfully trafficking in a scheduled drug if he knowingly possesses marijuana in an amount which, in fact, exceeds one pound.

Sec. 4. 17-A MRSA § 1106, sub-§ 2-A is enacted to read:

2-A. The sentencing class for unlawfully furnishing scheduled drugs shall be one class higher if the State pleads and proves that the person was unlawfully furnishing a scheduled drug which he or an accomplice intentionally or knowingly brought into this State.

STATEMENT OF FACT

This bill creates a presumption that a person knowingly possessing marijuana in an amount exceeding one pound does so with the intent to traffic. Trafficking in more than one pound of marijuana shall be classified as a Class C crime.

In addition, the sentencing class for the offenses of unlawfully furnishing scheduled drugs or unlawfully trafficking in scheduled drugs shall be one class higher if the State pleads and proves that the person was unlawfully furnishing or trafficking in drugs which he or an accomplice intentionally or knowingly brought into this State.