

MAINE STATE LEGISLATURE

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S
H. of S.

1

L.D. 1822

2

(Filing No. S-208)

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STATE OF MAINE

4

SENATE

5

113TH LEGISLATURE

6

FIRST REGULAR SESSION

7

SENATE AMENDMENT "C " to H.P. 1332, L.D. 1822,

8

Bill, "AN ACT Relating to Aggravated Trafficking or

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Furnishing Scheduled Drugs under the Maine Criminal

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Code."

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Amend the Bill by striking out all of section 7

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and inserting in its place the following:

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'Sec. 7. 17-A MRSA §1252, sub-§5-A is enacted to

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read:

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5-A. In determining the sentence of a person

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convicted of violating section 1105, the court shall

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seriously consider the following as possible minimum

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sentences of imprisonment, which shall not be sus-

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pending:

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A. When the sentencing class is Class A, a mini-

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imum term of imprisonment of 4 years;

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B. When the sentencing class is Class B, a mini-

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imum term of imprisonment of 2 years; and

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C. When the sentencing class is Class C, a mini-

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imum term of imprisonment of one year.

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If the court does not impose a minimum unsuspended

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term of imprisonment as set forth in this subsection,

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the court shall state in writing its reasons for not

29

imposing such a sentence.'

R. 088

SENATE AMENDMENT " C " to H.P. 1332, L.D. 1822

1

STATEMENT OF FACT

2 The purpose of this amendment is to replace the
3 mandatory prison sentences for persons convicted of
4 aggravated drug trafficking or furnishing with sen-
5 tencing guidelines for a judge to consider seriously
6 when sentencing such a convicted person. The guide-
7 lines contained in the amendment are suggested mini-
8 mum sentences of imprisonment identical to those made
9 mandatory sentences in the bill. The amendment re-
10 quires a judge to consider these suggested,
11 unsuspended minimum terms of imprisonment when sen-
12 tencing any person convicted of aggravated drug traf-
13 ficking or furnishing. If the judge does not impose
14 the suggested minimum term of imprisonment, the judge
15 must state in writing his reasons for not imposing
16 such a sentence.

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18

(Sen. Gauvreau)

19

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