

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1144

H.P. 816

House of Representatives, April 12, 1989

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads 'Ed Pert'.

EDWIN H. PERT, Clerk

Presented by Representative McGOWAN of Canaan.

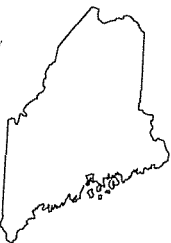
Cosponsored by Senator TITCOMB of Cumberland, Representative KILKELLY of Wiscasset and Representative SKOGLUND of St. George.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

An Act to Prohibit the Sale of Unlawful Drugs in or near Schools.

(AFTER DEADLINE)



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

3 **Sec. 1. 17-A MRSA §1105, sub-§1, ¶¶A and B, as enacted by PL**
5 1987, c. 535, §3, are amended to read:

7 A. In violation of section 1103, 1104 or 1106, he the
9 person trafficks with or furnishes to a child, in fact,
under 18 years of age a scheduled drug; ~~or~~

11 B. He The person violates section 1103, 1104 or 1106, and,
at the time of the offense, he the person has been convicted
13 of any offense under this chapter punishable by a term of
imprisonment of more than one year, or under any law of the
15 United States or of another state relating to scheduled
drugs, as defined in this chapter, and punishable by a term
17 of imprisonment of more than one year. For purposes of this
paragraph, a person shall have been convicted of an offense
19 on the date the judgment of conviction was entered by the
trial court; or

21 **Sec. 2. 17-A MRSA §1105, sub-§1, ¶C is enacted to read:**

23 C. In violation of section 1103, the person trafficks a
25 scheduled drug in or on, or within 1,000 feet of, the real
property comprising a public or private elementary,
27 vocational or secondary school or a public or private
college, junior college or university.

29
31 **STATEMENT OF FACT**

33 This bill creates a 1,000 foot aggravated drug trafficking
zone around educational institutions. The bill is patterned
35 after a similar law contained in the federal drug provisions
under the United States Code, Title 21, Section 845a. Creating a
37 protective zone around schools represents an attempt to
discourage those who peddle illegal drugs in the vicinity of high
39 concentrations of young people, and a recognition of the gravity
of such conduct and the need for more stringent action. The bill
41 applies only to the unlawful trafficking in scheduled drugs and
does not apply to violations of the Maine Revised Statutes, Title
43 17-A, section 1107, which concerns the unlawful furnishing of
scheduled drugs. This bill is one component of the Attorney
45 General's Drug Enforcement Legislative package.