

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

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Legislative Document

No. 1290

H.P. 924

House of Representatives, April 24, 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 COTE of Auburn.

Cosponsored by Speaker MARTIN of Eagle Lake, Representative BREWER of Boothbay Harbor and Representative PEDERSON of Bangor.

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STATE OF MAINE

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

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An Act to Increase the Punishment for Trafficking in Cocaine.

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(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,  
11 under 18 years of age a scheduled drug; or

13 B. He The person violates section 1103, 1104 or 1106, and,  
15 at the time of the offense, he has been convicted of any  
17 offense under this chapter punishable by a term of  
19 imprisonment of more than one year, or under any law of the  
United States or of another state relating to scheduled  
drugs, as defined in this chapter, and punishable by a term  
of imprisonment of more than one year. For purposes of this  
paragraph, a person shall have been convicted of an offense  
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 or 1106, the person  
25 trafficks or furnishes cocaine in a quantity of 500 grams or  
27 more. For purposes of this section, "cocaine" shall have  
the same meaning as in section 1102, subsection 1, paragraph  
F.

31 **STATEMENT OF FACT**

33 This bill increases the punishment for those found  
35 trafficking or furnishing in cocaine in a quantity of 500 grams  
37 or more. At present, an individual in the State who either sells  
39 or possesses with intent to sell one gram of cocaine is treated  
41 as harshly as an individual who imports, sells or possesses with  
43 intent to sell several kilograms of cocaine. This intolerable  
45 situation has caused state prosecutors to yield their prosecution  
47 of these individuals over to federal authorities in order that  
49 the penalty fit the magnitude of the crime. Trafficking in  
cocaine, a schedule W drug, is presently a Class B crime and  
carries a maximum of 10 years. This bill, working in conjunction  
with a recently amended section of the Maine Revised Statutes,  
Title 17-A, section 1252, would, effective July 1, 1989, subject  
those trafficking in 500 grams or more of cocaine to a  
possibility of 40 years of incarceration. This bill is one  
component of the Attorney General's Drug Enforcement legislative  
package.