

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1041, L.D. 1393, Bill, "An Act to Assist in Crime Prevention"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 17-A MRSA §1103, sub-§1, as amended by PL 1989, c. 384, §2, is further amended to read:

1. A person is guilty of unlawful trafficking in a scheduled drug if he the person intentionally or knowingly trafficks in what he the person knows or believes to be any a scheduled drug, and which that is, in fact, a scheduled drug, unless the conduct which that constitutes such trafficking is either:

- A. Expressly authorized by Title 22 or Title 32; or
- B. Expressly made a civil violation by Title 22.

Sec. 2. 17-A MRSA §1103, sub-§6 is enacted to read:

6. If a person uses a motor vehicle to facilitate the trafficking of a scheduled drug, the court may, in addition to other authorized penalties, suspend the person's driver's license, permit, privilege to operate a motor vehicle or right to

COMMITTEE AMENDMENT

R. & S.

COMMITTEE AMENDMENT "A" to H.P. 1041, L.D. 1393

2 apply for or obtain a license for a period not to exceed 5
4 years. A suspension may not begin until after any period of
6 incarceration is served. If the court suspends a person's
8 driver's license, permit, privilege to operate a motor vehicle or
10 right to apply for or obtain a license, the court shall notify
12 the Secretary of State of the suspension and the court shall take
14 physical custody of the person's license. The Secretary of State
may not reinstate the person's driver's license, permit,
privilege to operate a motor vehicle or right to apply for or
obtain a license unless the person demonstrates that, after
having been released and discharged from any period of
incarceration that may have been ordered, the person has served
the period of suspension ordered by the court.

16 **Sec. 3. 17-A MRSA §1104, sub-§1**, as enacted by PL 1975, c.
499, §1, is amended to read:

18 1. A person is guilty of trafficking in or furnishing
20 counterfeit drugs if he the person intentionally or knowingly
22 trafficks in or furnishes a substance ~~which he~~ that the person
24 represents to be a scheduled drug but ~~which,~~ that in fact, is not
a scheduled drug, but is capable, ~~in fact,~~ of causing death or
serious bodily injury when taken or administered in the customary
or intended manner.

26 **Sec. 4. 17-A MRSA §1104, sub-§3** is enacted to read:

28 3. If a person uses a motor vehicle to facilitate the
30 trafficking or furnishing of a counterfeit drug, the court may,
32 in addition to other authorized penalties, suspend the person's
34 driver's license, permit, privilege to operate a motor vehicle or
36 right to apply for or obtain a license for a period not to exceed
38 5 years. A suspension may not begin until after any period of
40 incarceration is served. If the court suspends a person's
42 driver's license, permit, privilege to operate a motor vehicle or
44 right to apply for or obtain a license, the court shall notify
the Secretary of State of the suspension and the court shall take
physical custody of the person's license. The Secretary of State
may not reinstate the person's driver's license, permit,
privilege to operate a motor vehicle or right to apply for or
obtain a license unless the person demonstrates that, after
having been released and discharged from any period of
incarceration that may have been ordered, the person has served
the period of suspension ordered by the court.

46 **Sec. 5. 17-A MRSA §1105, sub-§3** is enacted to read:

48 3. If a person uses a motor vehicle to facilitate the
50 aggravated trafficking or furnishing of a scheduled drug, the
court may, in addition to other authorized penalties, suspend the

2 person's driver's license, permit, privilege to operate a motor
4 vehicle or right to apply for or obtain a license for a period
6 not to exceed 5 years. A suspension may not begin until after
8 any period of incarceration is served. If the court suspends a
10 person's driver's license, permit, privilege to operate a motor
12 vehicle or right to apply for or obtain a license, the court
14 shall notify the Secretary of State of the suspension and the
16 court shall take physical custody of the person's license. The
18 Secretary of State may not reinstate the person's driver's
20 license, permit, privilege to operate a motor vehicle or right to
22 apply for or obtain a license unless the person demonstrates
24 that, after having been released and discharged from any period
26 of incarceration that may have been ordered, the person has
28 served the period of suspension ordered by the court.

16 Sec. 6. 17-A MRSA §1106, sub-§5 is enacted to read:

18 5. If a person uses a motor vehicle to facilitate the
20 unlawful furnishing of a scheduled drug, the court may, in
22 addition to other authorized penalties, suspend the person's
24 driver's license, permit, privilege to operate a motor vehicle or
26 right to apply for or obtain a license for a period not to exceed
28 5 years. A suspension may not begin until after any period of
30 incarceration is served. If the court suspends a person's
32 driver's license, permit, privilege to operate a motor vehicle or
34 right to apply for or obtain a license, the court shall notify
36 the Secretary of State of the suspension and the court shall take
38 physical custody of the person's license. The Secretary of State
40 may not reinstate the person's driver's license, permit,
42 privilege to operate a motor vehicle or right to apply for or
44 obtain a license unless the person demonstrates that, after
46 having been released and discharged from any period of
48 incarceration that may have been ordered, the person has served
50 the period of suspension ordered by the court.'

36 Further amend the bill by inserting at the end before the
38 statement of fact the following:

40 **'FISCAL NOTE**

42 The Bureau of Motor Vehicles within the Department of the
44 Secretary of State will incur some minor additional costs to
46 suspend the driving privileges of those persons convicted of a
48 drug related offense and who used a motor vehicle in the
50 commission of the crime, if the courts invoke this sentencing
option. These costs can be absorbed within the bureau's existing
budgeted resources. The collection of reinstatement fees from
persons with these suspensions will result in insignificant
increases of Highway Fund revenue.'

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STATEMENT OF FACT

The amendment replaces the original bill.

The amendment gives the court discretion to suspend a person's driver's license, permit, privilege to operate a motor vehicle or right to apply for or obtain a license, in addition to any other applicable penalties, if the person uses a motor vehicle to facilitate the trafficking or furnishing of a scheduled drug. The court may also suspend the same privileges when a motor vehicle was used to furnish or traffick a counterfeit drug or when a person used a motor vehicle to facilitate aggravated trafficking or furnishing.

The suspension of a person's driver's license, permit, privilege to operate a motor vehicle or right to apply for or obtain a license may not begin until after any period of incarceration is served and may not exceed 5 years.

If the court suspends a person's driver's license, permit, privilege to operate a motor vehicle or right to apply for or obtain a license, the court shall notify the Secretary of State of the suspension and the court shall take physical custody of the person's license. The Secretary of State may not reinstate the person's license, permit, privilege to operate a motor vehicle or right to apply for or obtain a license unless the person demonstrates that, after having been released and discharged from any period of incarceration that may have been ordered, the person has served the period of suspension ordered by the court.

The amendment is the minority report and adds a fiscal note to the bill. The amendment also conforms existing law to current drafting standards.