

MAINE STATE LEGISLATURE

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L.D. 1026

DATE: 5-9-97

(Filing No. H-422)

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CRIMINAL JUSTICE

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to H.P. 749, L.D. 1026, Bill, "An Act to Reduce the Presumptive Amount for Trafficking in Marijuana from 2 Pounds to One Pound"

Amend the bill by striking out all of section 1 and inserting in its place the following:

'Sec. 1. 17-A MRSA §1101, sub-§17, ¶D, as amended by PL 1977, c. 647, §1, is further amended to read:

D. To possess with the intent to do any act mentioned in paragraph C, ~~except that possession of 2 pounds or less of marijuana with such intent shall be deemed furnishing.~~

Further amend the bill in section 2 in paragraph B in the 2nd line (page 1, line 15 in L.D.) by striking out the following: "453 grams" and inserting in its place the following: 'one pound'

Further amend the bill in section 3 in paragraph A in the first line (page 1, line 22 in L.D.) by striking out the following: "453 grams" and inserting in its place the following: 'one pound'

Further amend the bill by inserting at the end before the summary the following:

COMMITTEE AMENDMENT

FISCAL NOTE

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This bill increases the penalty for certain crimes from Class D to Class C crimes, resulting in a shift of costs from the counties to the State. Sentences of more than 9 months for Class C crimes must be served in state correctional institutions at the cost of \$53,033 per sentence based on an average length of stay of 1 year and 10 months. Sentences of 9 months or less for a Class C crime and all sentences for a Class D crime must be served in county jails. The State must reimburse counties for housing Class C crime offenders but does not provide reimbursement for Class D offenders.

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The Judicial Department may require additional General Fund appropriations to cover increased indigent defense costs related to these cases when the class of crime is increased. The amounts can not be estimated at this time. The collection of additional fines may also increase General Fund revenue by minor amounts.'

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SUMMARY

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This amendment corrects the Maine Revised Statutes, section 1101, subsection 17, paragraph D by making it clear when a person is guilty of trafficking in marijuana.

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The amendment rounds off the amount of marijuana required to constitute the Class C crime of trafficking from 453 grams to one pound and rounds off the presumptive amount of marijuana to constitute unlawful trafficking from 453 grams to one pound. This change is made because marijuana is dealt in pounds and one pound equals 454 grams. The amendment also adds a fiscal note to the bill.