

	L.D. 1789
2	DATE: 5-17-977 (Filing No. H-514)
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10	Reproduced and distributed under the direction of the Clerk of the House.
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14	STATE OF MAINE HOUSE OF REPRESENTATIVES 118TH LEGISLATURE
16	FIRST SPECIAL SESSION
18	COMMITTEE AMENDMENT " $\hat{H}$ " to H.P. 1262, L.D. 1789, Bill, "An
20	Act Regarding Illegal Transportation of Drugs by a Minor"
22	Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the
24	following:
26	'Sec.1. 22 MRSA §2389 is enacted to read:
28	§2389. Illegal transportation of drugs by minor
30	<b>1. Definitions.</b> As used in this section, unless the context otherwise indicates, the following terms have the following
32	meanings.
34	A. "Drug" means a schedule W, X, Y or Z drug as defined in Title 17-A, section 1102.
36	B. "Minor" means a person who has not attained 21 years of
38	age.
40	2. Minor may not transport drugs. A minor may not
40 42	knowingly transport or knowingly permit to be transported a drug in a motor vehicle under the minor's control unless possession of
	knowingly transport or knowingly permit to be transported a drug in a motor vehicle under the minor's control unless possession of the drug is expressly authorized by this Title or Title 32.
42	<ul> <li>knowingly transport or knowingly permit to be transported a drug in a motor vehicle under the minor's control unless possession of the drug is expressly authorized by this Title or Title 32.</li> <li>3. Violation. A minor who violates this section commits a civil violation for which a forfeiture of not more than \$500 may</li> </ul>
42 44	<ul> <li>knowingly transport or knowingly permit to be transported a drug in a motor vehicle under the minor's control unless possession of the drug is expressly authorized by this Title or Title 32.</li> <li>3. Violation. A minor who violates this section commits a</li> </ul>

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Page 1-LR0960(2)

## COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "H" to H.P. 1262, L.D. 1789

2 License suspension. The court shall suspend the 4. operator's license or right to operate or right to obtain a license of a minor found in violation of this section as follows: 4 A. Thirty days for the first offense; 6 8 B. Ninety days for the 2nd offense; and 10 C. One year for any subsequent offense. 12 The court shall immediately forward the license to the Secretary of State together with the record of adjudication. Immediately 14 upon receipt of the record, the Secretary of State shall suspend the license or right to operate or right to obtain a license of the minor for the required period without further hearing. The 16 Secretary of State shall also assign demerit points according to Title 29-A, section 2458, subsection 3. 18 20 5. Execution of suspension stayed during appeal. If any person adjudicated to be in violation of this section appeals from the judgment of the trial court, the execution of any 22 suspension imposed on that person's license, right to obtain a license or right to operate a motor vehicle in the State must be 24 stayed pending appeal and begins when and if the judgment is upheld or the appeal is withdrawn. 26 Penalty. If a minor is charged with a violation of 28 6. this section, the minor may not be charged with a violation of section 2383 or Title 17-A, chapter 45.' 30 32 Further amend the bill by inserting at the end before the summary the following: 34 **FISCAL NOTE** 36 Requiring mandatory drivers license suspension for minors violating the transporting of illegal drugs law will result in 38 increases of Highway Fund revenue insignificant from the additional collection of license reinstatement fees. 40 42 additional costs associated with The the increased suspension activity can be absorbed by the Bureau of Motor Vehicles utilizing existing budgeted resources. 44 46 The additional workload and administrative costs associated with the minimal number of new cases filed in the court system can be absorbed within the budgeted resources of the Judicial 48 The collection of additional fines may increase Department. General Fund revenue by minor amounts.' 50

Page 2-LR0960(2)

## COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "H" to H.P. 1262, L.D. 1789

## SUMMARY

The amendment replaces the bill.

The amendment creates the civil violation of transporting scheduled drugs, including marijuana, by a person who is under 21 years of age. A person who violates this section must be adjudged a forfeiture of no more than \$500 and no less than \$200 for a 2nd offense and no less than \$400 for a 3rd or subsequent offense. The court shall also suspend the operator's license of a person who violates this section.

A person charged under this section may not also be charged 16 with trafficking, furnishing or possession of scheduled drugs pursuant to the Maine Revised Statutes, Title 17-A, chapter 45 or 18 Title 22, section 2383.

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The amendment also adds a fiscal note.

Page 3-LR0960(2)

## COMMITTEE AMENDMENT

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