

MAINE STATE LEGISLATURE

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DATE: May 12, 1999

(Filing No. S- 278)

CRIMINAL JUSTICE

Reported by:

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**STATE OF MAINE
SENATE
119TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 39, L.D. 49, Bill, "An Act to Amend the Drug Laws Related to Possession of a Firearm"

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

'Sec. 1. 17-A MRSA §1105, sub-§1, ¶C, as repealed and replaced by PL 1989, c. 600, Pt. A, §§5 and 6, is repealed and the following enacted in its place:

C. A person violates section 1103, 1104 or 1106, and, at the time of the offense, the person:

(1) Uses a firearm;

(2) Carries a firearm;

(3) In furtherance of the offense, possesses a firearm; or

(4) Is armed with a firearm.'

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

·FISCAL NOTE

This bill decreases the penalties for certain crimes by one class resulting in some savings to the State from potential

COMMITTEE AMENDMENT

2 reductions in sentences and resulting in a shift of costs from
the State to the counties when the Class of crime is decreased
4 from a Class C crime to a Class D crime. Sentences of more than
9 months for Class C crimes must be served in state correctional
6 institutions at the cost of \$61,894 per sentence based on an
average length of stay of 2 years and 3 months. Sentences of 9
8 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
10 reimbursement for Class D offenders.

12 The Judicial Department may realize some savings from
reductions of indigent defense costs associated with the minimal
14 number of cases that will no longer be filed in the court
system. The amounts of General Fund savings can not be estimated
16 at this time. The Judicial Department may also realize some
minor administrative savings from reductions of workload and
18 administrative costs. Reductions in the collection of fines may
decrease General Fund revenue by minor amounts.'

22 SUMMARY

24 This amendment specifies that for possession of a firearm to
26 be an aggravating factor in an offense of trafficking or
furnishing scheduled drugs, a person must possess the firearm in
28 furtherance of the offense. This is consistent with 18 United
States Code, Section 924(c)(1)(A). The amendment also adds a
30 fiscal note to the bill.