

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 49

S.P. 39

In Senate, January 7, 1999

An Act to Amend the Drug Laws Related to Possession of a Firearm.

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BENOIT of Franklin.

Be it enacted by the People of the State of Maine as follows:

2

Sec. 1. 17-A MRSA §1105, sub-§1, ¶C, as repealed and replaced
4 by PL 1989, c. 600, Pt. A, §§4 and 6, is amended to read:

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C. A person violates section 1103, 1104 or 1106, and, at
the time of the offense, the person uses, carries, ~~possesses~~
8 or is armed with a firearm;

10

SUMMARY

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This bill amends the criminal code by excluding the mere
14 possession of a firearm as an aggravating factor in an offense of
trafficking or furnishing scheduled drugs. This bill requires
16 that the firearm be somehow directly related to the criminal
activity; the defendant must have used, carried or been armed
18 with a firearm while engaged in trafficking or furnishing a
scheduled drug in order for the offense to be elevated to the
20 aggravated category. This change to the criminal code would make
Maine law consistent with federal law, 18 United States Code,
22 Section 924 (1976), which aggravates drug offenses whenever a
defendant "uses or carries" a firearm, but not when a firearm is
24 merely somewhere on the premises when a drug offense occurs.