

# MAINE STATE LEGISLATURE

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**CRIMINAL JUSTICE**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
119TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 694, L.D. 961, Bill, "An Act to Strengthen the State's Drug Laws"

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, ¶E**, as amended by PL 1995, c. 65, Pt. A, §58 and affected by §153 and Pt. C, §15, is further amended to read:

E. A person violates section 1103 or 1106, and, at the time of the offense, the person is on a school bus or on or within 1,000 feet of the real property comprising a private or public elementary or secondary school. For purposes of this paragraph, "school bus" has the same meaning as set forth in Title 29-A, section 2301, subsection 5; or

**Sec. 2. 17-A MRSA §1105, sub-§1, ¶F**, as enacted by PL 1989, c. 924, §11, is amended to read:

F. A person violates section 1103 or 1106, and, at the time of the offense, the person enlists or solicits the aid of or conspires with a child who is, in fact, under 18 years of age, to traffick in or furnish any scheduled drug.'

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

**FISCAL NOTE**

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4       This bill increases the penalty for certain Class C and  
6       Class B crimes by one class. Sentences of more than 9 months for  
8       Class C, Class B and Class A crimes must be served in state  
10       correctional institutions. Since the average length of stay for  
12       a Class A crime is three years and 3 months greater than a Class  
14       B crime, the incremental increase in the average cost to the  
16       State's correctional facilities is \$89,444 when the class of  
18       crime is increased from Class B to Class A. For Class C crimes  
20       increased to Class B, the average length of stay for a Class B  
22       crime is 1 year and 3 months greater than a Class C crime and the  
24       incremental increase in the average cost to the State's  
26       correctional facilities is \$34,343. Sentences of 9 months or  
28       less for Class C, Class B and Class A crimes must be served in  
30       county jails. The State provides reimbursement to the counties  
32       for housing these offenders.  
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20       The Judicial Department may require additional General Fund  
22       appropriations to cover increased indigent defense costs related  
24       to those cases when the class of crime is increased. The amounts  
26       can not be estimated at this time. The collection of additional  
28       fines may also increase General Fund revenue by minor amounts.'

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**SUMMARY**

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30       The amendment deletes language that would have amended the  
32       definition of aggravated trafficking and furnishing to include  
34       whenever serious bodily injury or death results to another person  
as a result of the furnishing or trafficking. The amendment also  
adds a fiscal note to the bill.

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