

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1145

H.P. 822

House of Representatives, February 9, 1999

**An Act to Increase the Penalties for Persons in Possession of Crack
Cocaine in Conformity with the Penalties for Similarly Dangerous Drugs.**

Reference to the Committee on Criminal Justice suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative SCHNEIDER of Durham.
Cosponsored by Senator DAVIS of Piscataquis and
Representatives: BRUNO of Raymond, CARR of Lincoln, CHIZMAR of Lisbon, DAVIS of
Falmouth, MACK of Standish, McALEVEY of Waterboro, PLOWMAN of Hampden.

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

2 **Sec. 1. 17-A MRSA §1107**, as amended by PL 1995, c. 635, §6,
4 is further amended to read:

6 **§1107. Unlawful possession of scheduled drugs**

8 1. A person is guilty of unlawful possession of a scheduled
10 drug if that person intentionally or knowingly possesses what
12 that person knows or believes to be a scheduled drug, and which
that is, in fact, a scheduled drug, unless the conduct which that
constitutes such possession is either:

14 A. Expressly authorized by Title 22 or Title 32; or

16 B. Expressly made a civil violation by Title 22.

18 2. Violation of this section is:

20 A. A Class C crime if the drug is:

22 (1) Heroin (diacetylmorphine); or

24 (2) Cocaine in the form of cocaine base and ~~at the~~
26 ~~time of the offense the person has been convicted of~~
~~any offense under this chapter or under any law of the~~
28 ~~United States, another state or a foreign country~~
~~relating to scheduled drugs, as defined in this~~
chapter. ~~For the purposes of this paragraph, a person~~
30 ~~has been convicted of an offense on the date the~~
judgment of conviction was entered by the court;

32 B. A Class D crime if the drug is:

34 (1) A schedule W drug other than:

36 (a) Heroin (diacetylmorphine); or

38 (b) Cocaine in the form of cocaine base and ~~the~~
40 ~~person has a prior scheduled drug conviction~~
within the meaning of paragraph A, ~~subparagraph~~
42 ~~(2) of this section; or~~

44 (2) A schedule X drug;

46 C. A Class E crime if the drug is a schedule Y or Z drug; or

48 D. A Class B crime if the drug is cocaine and the quantity
50 possessed is more than 14 grams or cocaine in the form of
cocaine base and the quantity possessed is more than 4 grams.

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SUMMARY

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This bill increases the penalty for possession of crack cocaine in conformity with the penalties for similarly dangerous drugs. This bill is the recommendation of the Office of the Attorney General.

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