

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1361

H.P. 963

House of Representatives, February 18, 1999

An Act to Increase the Requirement that Drugs be Confiscated from 48 Hours to One Year.

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

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative SCHNEIDER of Durham.
Cosponsored by Representatives: MACK of Standish, MARVIN of Cape Elizabeth.

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

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Sec. 1. 17-A MRSA §1103, sub-§5, as enacted by PL 1989, c. 924, §9, is amended to read:

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5. Quantities of scheduled drugs involved in violations of this section or sections 1105 to 1107 or section 1111-A, committed pursuant to one scheme or course of conduct and confiscated within a 48-hour one-year period, may be aggregated to charge a single violation of this section of appropriate class. Subject to the requirement that the conduct of the defense may not be prejudiced by lack of fair notice or by surprise, the court may at any time order that a single aggregate count be considered as separate violations. An aggregate count of violations may not be deemed ~~duplicitous~~ duplicative because of such an order and no election may be required. Prosecution may be brought in any venue in which one of the violations aggregated was committed.

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SUMMARY

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This bill increases the requirement that the drugs be confiscated from a 48-hour period to a period of one year when a prosecutor wishes to aggregate conduct that is committed pursuant to one scheme or course of conduct. The bill also incorporates the cultivation statute. This bill is the recommendation of the Attorney General.