

MAINE STATE LEGISLATURE

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L.D. 2255

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DATE: June 18, 1999

(Filing No. S- 468)

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

SENATE AMENDMENT " A " to H.P. 1612, L.D. 2255, Bill, "An Act to Make Corrections to Laws Recently Enacted by the 119th Legislature"

Amend the bill by inserting after Part H the following:

PART I

Sec. I-1. 17-A MRSA §1105, sub-§1, ¶C, as repealed and replaced by PL 1999, c. 342, §1 and amended by c. 374, §4, is repealed and the following enacted in its place:

C. A person violates section 1103, 1104, 1106 or 1117 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.

Sec. I-2. 17-A MRSA §1105, sub-§1, ¶E, as amended by PL 1999, c. 374, §4; c. 417, §1; c. 422, §4; and c. 453, §8, is repealed and the following enacted in its place:

SENATE AMENDMENT

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

8 **Sec. I-3. 17-A MRSA §1105, sub-§1, ¶F**, as amended by PL 1999,
9 c. 374, §4; c. 417, §2; c. 422, §5; and c. 453, §9, is repealed
10 and the following enacted in its place:

11 F. A person violates section 1103, 1106 or 1117 and, at the
12 time of the offense, the person enlists or solicits the aid
13 of or conspires with a child who is, in fact, under 18 years
14 of age to traffick in, furnish or cultivate any scheduled
15 drug;

16 **Sec. I-4. 17-A MRSA §1105, sub-§1, ¶G**, as enacted by PL 1999,
17 c. 374, §4; c. 422, §6; and c. 453, §10 is repealed and the
18 following enacted in its place:

19 G. A person violates section 1117 and, at the time of the
20 offense, the person is within 1,000 feet of the real
21 property comprising a private or public elementary or
22 secondary school;

23 **Sec. I-5. 17-A MRSA §1105, sub-§1, ¶¶H and I**, are enacted to
24 read:

25 H. A person violates section 1103 or 1106 and, at the time
26 of the offense, the person trafficks in or furnishes
27 methamphetamine in a quantity of 100 grams or more; or

28 I. A person violates section 1103 or 1106 and, at the time
29 of the offense, the person trafficks in or furnishes heroin
30 in a quantity of 6 grams or more or 270 or more individual
31 bags, folds, packages, envelopes or containers of any kind
32 containing heroin.

33 **Sec. I-6. 17-A MRSA §1106, sub-§3, ¶B**, as amended by PL 1999,
34 c. 453, §11, is further amended to read:

35 B. Seven grams or more of cocaine or 2 grams or more of
36 cocaine in the form of cocaine base; ~~or~~

37 **Sec. I-7. 17-A MRSA §1106, sub-§3, ¶C**, as amended by PL 1999,
38 c. 422, §7 and as repealed by PL 1999, c. 453, §12, is repealed.'

2 Further amend the bill by relettering or renumbering any
4 nonconsecutive Part letter or section number to read
consecutively.

6
8 **SUMMARY**

10 Section 1 corrects a conflict created by Public Law 1999,
12 chapters 342 and 374, which affected the same provision of law.
Chapter 342 specified that in order to aggravate a drug
14 trafficking or furnishing offense due to a firearm, the firearm
was possessed in furtherance of the offense. Chapter 374 added
16 the new crime of marijuana cultivation to the list of offenses
that may be aggravated because of a firearm. This section
18 incorporates the changes made by both laws.

20 Section 2 correct a conflict created by Public Law 1999,
chapters 374, 417, 422 and 453. Chapters 374, 422 and 453
22 repealed an "or" in order to add more paragraphs to the
subsection. Chapter 417 added unlawfully furnishing scheduled
24 drugs to the aggravated trafficking and furnishing provision that
addresses committing the offense within 1,000 feet of the real
26 property comprising a school. This section incorporates the
changes made by all 4 laws.

28 Section 3 corrects a conflict created by Public Law 1999,
chapters 374, 417, 422 and 453. Chapter 374 added an "or" in
30 order to add more paragraphs to the subsection and added
cultivating marijuana to the aggravated trafficking and
32 furnishing provision that addresses soliciting the aid of a
person under 18 years of age in committing the drug offense.
34 Chapter 417 added unlawfully furnishing to the aggravated
trafficking and furnishing provision that addresses soliciting
36 the aid of a person under 18 years of age in committing the drug
offense. Chapters 422 and 453 added an "or" in order to add more
38 paragraphs to the subsection. This section incorporates the
changes made by all 4 laws.

40 Sections 4 and 5 correct a conflict created by Public Law
42 1999, chapters 374, 422 and 453. Chapter 374 added to the
aggravated trafficking and furnishing provision the new crime of
44 marijuana cultivation when the offense is committed within 1,000
feet of a school. Chapter 422 added to the aggravated
46 trafficking and furnishing provision the offense of trafficking
or furnishing 100 grams or more of methamphetamine. Chapter 453
48 added to the aggravated trafficking and furnishing provision the
offense of trafficking or furnishing 6 grams or more or 270

SENATE AMENDMENT

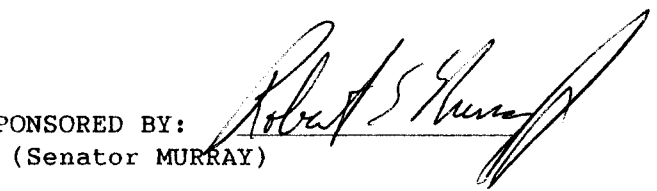
SENATE AMENDMENT "A" to H.P. 1612, L.D. 2255

packages or more of heroin. Section 4 repeals all provisions and sections 4 and 5 replace the provisions with their own lettered paragraphs.

Sections 6 and 7 correct a conflict created by Public Law 1999, chapters 422 and 453. Chapter 422 repealed an "or" in order to add more paragraphs to the subsection. Chapter 453 redefined trafficking and furnishing of heroin in terms of the amount possessed, making the change in chapter 422 unnecessary, therefore section 7 repeals the affected paragraph.

SPONSORED BY:

(Senator MURRAY)



COUNTY: Penobscot