

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 670

H.P. 490

House of Representatives, February 8, 2005

An Act To Protect Children Using Maine's Athletic Fields and Parks from Drug Dealers

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative HOTHAM of Dixfield.
Cosponsored by Senator DAVIS of Piscataquis and
Representatives: ADAMS of Portland, LANSLEY of Sabattus, PATRICK of Rumford,
RECTOR of Thomaston, VALENTINO of Saco.

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

Sec. 1. 17-A MRSA §1101, sub-§23 is enacted to read:

23. "Safe zone" means an athletic field, park, playground or recreational facility, or an area that is designated as a safe zone by a municipality pursuant to Title 30-A, section 3253.

Sec. 2. 17-A MRSA §1105-A, sub-§1, ¶E, as enacted by PL 2001, c. 383, §119 and affected by §156, is amended to read:

E. At the time of the offense, the person is on a school bus or within 1,000 feet of the real property comprising a private or public elementary or secondary school or a safe zone as defined in section 1101, subsection 23 and the drug is:

(1) A schedule W drug. Violation of this subparagraph is a Class A crime;

(2) Marijuana in a quantity of 20 pounds or more. Violation of this subparagraph is a Class A crime;

(3) A schedule X drug. Violation of this subparagraph is a Class B crime;

(4) Marijuana in a quantity of more than one pound. Violation of this subparagraph is a Class B crime;

(5) A schedule Y drug. Violation of this subparagraph is a Class C crime; or

(6) A schedule Z drug. Violation of this subparagraph is a Class C crime.

For purposes of this paragraph, "school bus" has the same meaning as defined in Title 29-A, section 2301, subsection 5;

Sec. 3. 17-A MRSA §1105-C, sub-§1, ¶E, as enacted by PL 2001, c. 383, §119 and affected by §156, is amended to read:

E. At the time of the offense, the person is on a school bus or within 1,000 feet of the real property comprising a private or public elementary or secondary school or a safe zone as defined in section 1101, subsection 23 and the drug is:

(1) A schedule W drug. Violation of this subparagraph is a Class B crime;

2 (2) A schedule X drug. Violation of this subparagraph
is a Class C crime;

4 (3) A schedule Y drug. Violation of this subparagraph
6 is a Class C crime; or

8 (4) A schedule Z drug. Violation of this subparagraph
is a Class C crime.

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12 For purposes of this paragraph, "school bus" has the same
meaning as defined in Title 29-A, section 2301, subsection 5;

14 **Sec. 4. 17-A MRSA §1105-D, sub-§1, ¶D**, as enacted by PL 2001,
c, 383, §119 and affected by §156, is amended to read:

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18 D. At the time of the offense, the person is within 1,000
feet of the real property comprising a private or public
20 elementary or secondary school or a safe zone as defined in
section 1101, subsection 23 and the person grows or
cultivates:

22

24 (1) Five hundred or more marijuana plants. Violation
of this subparagraph is a Class A crime;

26 (2) One hundred or more but fewer than 500 marijuana
plants. Violation of this subparagraph is a Class B
28 crime;

30 (3) More than 5 but fewer than 100 marijuana plants.
Violation of this subparagraph is a Class C crime; or

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34 (4) Five or fewer marijuana plants. Violation of this
subparagraph is a Class D crime.

36 **Sec. 5. 30-A MRSA §3253** is enacted to read:

38 **§3253. Safe zones designated by municipality**

40 A municipality may designate an area of the municipality
that is frequented by minors as a safe zone under Title 17-A,
42 section 1101, subsection 23. A safe zone designated pursuant to
this section must be conspicuously marked with an informational
44 sign.

46 **Sec. 6. Safe zone informational signs.** The Commissioner of
Public Safety shall design and make available to municipalities a
48 safe zone informational sign under the Maine Revised Statutes,
Title 30-A, section 3253.

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SUMMARY

4 This bill creates safe zones, including athletic fields,
6 parks, playgrounds, recreational facilities or any other area
frequented by minors that is designated as a safe zone by a
8 municipality. This bill makes it an aggravated offense to
traffick, furnish or cultivate drugs within 1,000 feet of a safe
10 zone. If a municipality designates an area a safe zone, the
municipality is required to mark the safe zone with an
informational sign provided by the Commissioner of Public Safety.