

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 44

H.P. 37

House of Representatives, January 11, 2011

An Act To Increase Potential Criminal Penalties for the Possession of Cocaine and Cocaine Base

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative PLUMMER of Windham.
Cosponsored by Senator SHERMAN of Aroostook and
Representatives: BURNS of Whiting, CEBRA of Naples, CRAFTS of Lisbon, HINCK of
Portland, LAJOIE of Lewiston, PARRY of Arundel, SARTY of Denmark.

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

2 **Sec. 1. 17-A MRSA §1107-A, sub-§1, ¶B**, as amended by PL 2007, c. 476, §43,
3 is further amended to read:

4 B. A schedule W drug that contains:

5 (1) Heroin (diacetylmorphine);

6 (2) Cocaine or cocaine in the form of cocaine base ~~and at the time of the offense~~
7 ~~the person has one or more prior convictions for any offense under this chapter or~~
8 ~~for engaging in substantially similar conduct to that of the Maine offenses under~~
9 ~~this chapter in another jurisdiction. For the purposes of this paragraph, a person~~
10 ~~has been convicted of an offense on the date the judgment of conviction was~~
11 ~~entered by the court;~~

12 (3) Methamphetamine;

13 (4) Oxycodone;

14 (5) Hydrocodone; or

15 (6) Hydromorphone.

16 Violation of this paragraph is a Class C crime;

17 **SUMMARY**

18 Under existing law, possession of 14 grams or less of cocaine is a Class D crime.
19 This bill provides that possession of cocaine in any amount is at least a Class C crime.

20 Additionally, under existing law, possession of 4 grams or less of cocaine in the form
21 of cocaine base, also known as "crack" cocaine, is a Class D crime when the State has not
22 proven that the offender has a prior drug conviction, but rises to a Class C crime when the
23 State has proven that the offender does have a prior drug conviction. The bill provides
24 that possession of crack cocaine is at least a Class C crime even when the State has not
25 proven that the offender has had a previous drug conviction.