

MAINE STATE LEGISLATURE

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Date: 9/27/11

L.D. 1589
(Filing No. H- 682)

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CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
FIRST SPECIAL SESSION**

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COMMITTEE AMENDMENT "A" to H.P. 1192, L.D. 1589, Bill, "An Act To Criminalize Possession, Trafficking and Furnishing of So-called Bath Salts Containing Synthetic Hallucinogenic Drugs"

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Amend the bill in section 6 in §1119 by striking out all of subsection 2 (page 3, lines 24 to 29 in L.D.) and inserting the following:

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'2. A person who violates subsection 1 commits a Class C crime if the person has one or more prior convictions for any offense under this chapter or for engaging in substantially similar conduct to that of an offense under this chapter in another jurisdiction. Section 9-A governs the use of prior convictions when determining a sentence, except that, for the purposes of this subsection, the date of each prior conviction may precede the commission of the offense being enhanced by more than 10 years.'

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Amend the bill by inserting after section 10 the following:

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'Sec. 11. Appropriations and allocations. The following appropriations and allocations are made.

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**CORRECTIONS, DEPARTMENT OF
Correctional Impact Reserve N033**

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Initiative: Provides funds for the Correctional Impact Reserve program for an anticipated increase in correctional costs as a result of increasing the penalties for synthetic hallucinogenics.

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GENERAL FUND	2011-12	2012-13
All Other	\$21,848	\$153,725
GENERAL FUND TOTAL	<u>\$21,848</u>	<u>\$153,725</u>

COMMITTEE AMENDMENT

12 of 8.

1	CORRECTIONS, DEPARTMENT OF		
2	DEPARTMENT TOTALS	2011-12	2012-13
3			
4	GENERAL FUND	\$21,848	\$153,725
5			
6	DEPARTMENT TOTAL - ALL FUNDS	\$21,848	\$153,725

7 **INDIGENT LEGAL SERVICES, MAINE COMMISSION ON**
8 **Maine Commission on Indigent Legal Services Z112**
9 Initiative: Provides funds for the anticipated increase in indigent legal service costs as a
10 result of increasing the penalties related to synthetic hallucinogenics.

11	GENERAL FUND	2011-12	2012-13
12	All Other	\$9,167	\$22,000
13			
14	GENERAL FUND TOTAL	\$9,167	\$22,000

15	INDIGENT LEGAL SERVICES, MAINE		
16	COMMISSION ON		
17	DEPARTMENT TOTALS	2011-12	2012-13
18			
19	GENERAL FUND	\$9,167	\$22,000
20			
21	DEPARTMENT TOTAL - ALL FUNDS	\$9,167	\$22,000

22	SECTION TOTALS	2011-12	2012-13
23			
24	GENERAL FUND	\$31,015	\$175,725
25			
26	SECTION TOTAL - ALL FUNDS	\$31,015	\$175,725
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28 **SUMMARY**

29 This amendment eliminates from the bill language that enhances possession of
30 synthetic hallucinogenic drugs to a Class C crime if the person has a prior conviction for
31 any Class A, B or C offense in the Maine Revised Statutes, Title 17-A. The amendment
32 specifies that possession may be enhanced to a Class C crime if the person has one or
33 more prior convictions for any offense under the drug laws in the Maine Criminal Code
34 or for engaging in substantially similar conduct in another jurisdiction. The amendment

COMMITTEE AMENDMENT

2013

COMMITTEE AMENDMENT "A" to H.P. 1192, L.D. 1589

1 also specifies that prior convictions are governed by Title 17-A, section 9-A. This
2 amendment also adds an appropriations and allocations section.

3 **FISCAL NOTE REQUIRED**

4 **(See attached)**



125th MAINE LEGISLATURE

LD 1589

LR 2221(02)

An Act To Criminalize Possession, Trafficking and Furnishing of So-called Bath Salts Containing Synthetic Hallucinogenic Drugs

Fiscal Note for Bill as Amended by Committee Amendment "A"
Committee: Criminal Justice and Public Safety
Fiscal Note Required: Yes

Fiscal Note

	FY 2011-12	FY 2012-13	Projections FY 2013-14	Projections FY 2014-15
Net Cost (Savings)				
General Fund	\$31,015	\$175,725	\$239,825	\$282,519
Appropriations/Allocations				
General Fund	\$31,015	\$175,725	\$239,825	\$282,519

Fiscal Detail and Notes

Correctional Cost Detail	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
One Class C increased to Class A	\$0	\$64,278	\$106,972	\$149,666	\$192,360
One Class E increased to Class B	\$14,657	\$82,256	\$103,662	\$103,662	\$103,662
One new Class D Crime	\$7,191	\$7,191	\$7,191	\$7,191	\$7,191
Total Cost - All Convictions	\$21,848	\$153,725	\$217,825	\$260,519	\$303,213

Fiscal Detail and Notes

This bill includes a General Fund appropriation of \$9,167 in fiscal year 2011-12 for the prorated anticipated increase in indigent legal services costs. The ongoing annual cost is estimated to be \$22,000. It also includes a General Fund appropriation of \$21,848 in fiscal year 2011-12 and \$153,725 in fiscal year 2012-13 for the Correctional Impact Reserve program. This estimate reflects the net effect of savings to county facilities and increased costs to state facilities associated with the enhanced penalty provisions.