

MAINE STATE LEGISLATURE

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DMG
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MINORITY

L.D. 1246

Date: 6/16/15

(Filing No. S-281)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE

SENATE

127TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "B" to S.P. 451, L.D. 1246, Bill, "An Act To Strengthen Laws Regarding the Manufacture and Sale of Methamphetamine and Other Drugs"

Amend the bill by striking out the title and substituting the following:

'An Act To Strengthen Laws Regarding the Manufacture and Sale of Methamphetamine and To Amend the Drug Laws'

Amend the bill in section 1 in subsection 17 in paragraph F in the first line (page 1, line 11 in L.D.) by inserting after the following: "fentanyl" the following: 'powder'

Amend the bill in section 1 in subsection 17 in paragraph F in the last line (page 1, line 12 in L.D.) by inserting after the following: "fentanyl" the following: 'powder'

Amend the bill in section 2 in subsection 18 in paragraph D in the first line (page 1, line 22 in L.D.) by inserting after the following: "fentanyl" the following: 'powder'

Amend the bill in section 2 in subsection 18 in paragraph D in the last line (page 1, line 24 in L.D.) by inserting after the following: "fentanyl" the following: 'powder'

Amend the bill by inserting after section 2 the following:

'Sec. 3. 17-A MRSA §1101, sub-§24 is enacted to read:

24. "Fentanyl powder" means any compound, mixture or preparation, in granular or powder form, containing fentanyl.'

Amend the bill in section 4 in §1105-E in the first line (page 1, line 31 in L.D.) by striking out the following: "clandestine"

Amend the bill in section 4 in §1105-E in subsection 1 in the first line (page 1, line 33 in L.D.) by striking out the following: "clandestine"

Amend the bill in section 4 in §1105-E in subsection 1 in paragraph D in the 2nd line (page 2, line 17 in L.D.) by striking out the following: "clandestine"

COMMITTEE AMENDMENT

1 Amend the bill in section 4 in §1105-E in subsection 1 in paragraph E in the first line
2 (page 2, line 19 in L.D.) by striking out the following: "clandestine"

3 Amend the bill in section 5 in paragraph B by striking out all of subparagraphs (4) to
4 (6) (page 2, lines 36 to 39 in L.D.) and inserting the following:

5 '(4) Oxycodone and the aggregate quantity of pills, capsules, tablets, mixtures or
6 substances possessed is equal to or more than 30 milligrams;

7 (~~5~~) Hydrocodone; or

8 (~~6~~) Hydromorphone.'

9 Amend the bill in section 5 in paragraph B in subparagraph (7) in the first line (page
10 2, line 39 in L.D.) by inserting after the following: "Fentanyl" the following: 'powder'

11 Amend the bill in section 6 in §1124 in the first line (page 3, line 5 in L.D.) by
12 striking out the following: "clandestine"

13 Amend the bill in section 6 in §1124 in subsection 2 in the first line (page 3, line 24
14 in L.D.) by striking out the following: "clandestine"

15 Amend the bill in section 6 in §1124 in subsection 3 in the 2nd line (page 3, line 33 in
16 L.D.) by striking out the following: "clandestine"

17 Amend the bill in section 7 in paragraph C-2 in the 3rd line (page 4, line 9 in L.D.) by
18 striking out the following: "clandestine"

19 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
20 section number to read consecutively.

21

SUMMARY

22 This amendment is the minority report of the committee. The amendment changes
23 the title of the bill. The amendment defines "fentanyl powder" and clarifies that the
24 fentanyl for which the bill establishes the penalties is fentanyl powder. The amendment
25 deletes from the bill the word clandestine in regard to the methamphetamine laboratories
26 that are criminalized in the bill. The amendment reduces possession of oxycodone in the
27 form of pills, capsules, tablets, mixtures or substance in the aggregate less than 30
28 milligrams and possession of hydrocodone or hydromorphone from a Class C crime to a
29 Class D crime.

FISCAL NOTE REQUIRED
(See attached)



127th MAINE LEGISLATURE

LD 1246

LR 563(03)

An Act To Strengthen Laws Regarding the Manufacture and Sale of Methamphetamine and Other Drugs

Fiscal Note for Bill as Amended by Committee Amendment 'B'(S-281)

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

Fiscal Note

Current biennium cost increase - General Fund

Correctional and Judicial Impact Statements

Establishes new Class A, Class B and Class C crimes, increases correctional and judicial costs.

Decreases a Class C crime to a Class D crime, potentially shifting incarceration costs from the State to the county and regional jails.

The additional General Fund cost to the Maine Commission on Indigent Legal Services is estimated to be \$18,000 annually.

The net impact on General Fund fine revenue cannot be estimated at this time.