

# MAINE STATE LEGISLATURE

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L.D. 1541

Date: 3-17-16

(Filing No. S-403)

**CRIMINAL JUSTICE AND PUBLIC SAFETY**

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE**

**SENATE**

**127TH LEGISLATURE**

**SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 602, L.D. 1541, Bill, "An Act To Increase Sentences Imposed for the Illegal Importation of Scheduled Drugs"

Amend the bill by inserting after the enacting clause and before section 1 the following:

**Sec. 1. 15 MRSA §3314, sub-§6**, as amended by PL 2003, c. 657, §1, is further amended to read:

**6. Forfeiture of firearms.** As part of every disposition in every proceeding under this code, every firearm that constitutes the basis for an adjudication for a juvenile crime that, if committed by an adult, would constitute a violation of section 393; Title 17-A, section 1105-A, subsection 1, paragraph C-1; Title 17-A, section 1105-B, subsection 1, paragraph C; Title 17-A, section 1105-C, subsection 1, paragraph C-1; or Title 17-A, section 1105-D, subsection 1, paragraph B-1; or Title 17-A, section 1118-A, subsection 1, paragraph B and every firearm used by the juvenile or any accomplice during the course of conduct for which the juvenile has been adjudicated to have committed a juvenile crime that would have been forfeited pursuant to Title 17-A, section 1158-A if the criminal conduct had been committed by an adult must be forfeited to the State and the juvenile court shall so order unless another person satisfies the court prior to the dispositional hearing and by a preponderance of the evidence that the other person had a right to possess the firearm, to the exclusion of the juvenile, at the time of the conduct that constitutes the juvenile crime. Rules adopted by the Attorney General that govern the disposition of firearms forfeited pursuant to Title 17-A, section 1158-A govern forfeitures under this subsection.'

Amend the bill by inserting after section 2 the following:

**Sec. 3. 17-A MRSA §1158-A, sub-§1, ¶A**, as amended by PL 2009, c. 336, §13, is further amended to read:

- A. That firearm constitutes the basis for conviction under:
  - (1) Title 15, section 393;

**COMMITTEE AMENDMENT**

- 1 (2) Section 1105-A, subsection 1, paragraph C-1;
- 2 (3) Section 1105-B, subsection 1, paragraph C;
- 3 (4) Section 1105-C, subsection 1, paragraph C-1; ~~or~~
- 4 (5) Section 1105-D, subsection 1, paragraph B-1; or
- 5 (6) Section 1118-A, subsection 1, paragraph B;

6 Amend the bill in section 3 in subsection 5-A in the 2nd line (page 2, line 35 in L.D.)  
 7 by striking out the following: "1118"

8 Amend the bill in section 3 in subsection 5-A in paragraph B in subparagraph (1) in  
 9 division (c) in the 3rd line (page 3, line 13 in L.D.) by striking out the following: "or  
 10 1105-D" and inserting the following: '~~or~~, 1105-D or 1118-A'

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

13 **SUMMARY**

14 This amendment is the majority report of the committee. This amendment removes  
 15 from the bill the provision that specifies a minimum sentence of imprisonment of 4 years  
 16 for a Class A violation or 2 years for a Class B violation of the law prohibiting illegal  
 17 importation of scheduled drugs. The amendment adds aggravated illegal importation of a  
 18 scheduled drug to the crimes that may result, under certain circumstances, in the  
 19 forfeiture of firearms. The amendment retains the provisions of the bill that establish a  
 20 new crime of aggravated illegal importation of a scheduled drug and specify for that  
 21 crime a minimum sentence of imprisonment of 4 years for a Class A violation and 2 years  
 22 for a Class B violation.

**FISCAL NOTE REQUIRED**  
**(See attached)**



# 127th MAINE LEGISLATURE

LD 1541

LR 2284(02)

An Act To Increase Sentences Imposed for the Illegal Importation of Scheduled Drugs

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-403)  
Committee: Criminal Justice and Public Safety  
Fiscal Note Required: Yes

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## Fiscal Note

Current biennium cost increase - General Fund  
Minor revenue increase - General Fund

### Correctional and Judicial Impact Statements

- Establishes new Class A and Class B crimes.
- Increases the class of a crime from a Class C crime to a Class B crime.
- Increases the class of a crime from a Class D crime to a Class C crime.
- Increases correctional and judicial costs.
- The collection of additional fines may also increase General Fund revenue by minor amounts.