

MAINE STATE LEGISLATURE

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Minority

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R. 013

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L.D. 1554

Date: 3-22-16

(Filing No. S-418)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
SENATE
127TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "B" to S.P. 609, L.D. 1554, Bill, "An Act To Resolve Inconsistencies in the Drug Laws"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 17-A MRSA §1107-A, sub-§1, ¶B, as amended by PL 2015, c. 308, §2 and c. 346, §6, is repealed and the following enacted in its place:

B. A schedule W drug and at the time of the offense the person had one or more convictions for violating this chapter or for engaging in substantially similar conduct to that of the Maine offenses under this chapter in another jurisdiction and the drug contains:

- (1) Heroin (diacetylmorphine);
- (2) Cocaine in the form of cocaine base and the amount possessed is 2 grams or more;
- (3) Methamphetamine;
- (4) Oxycodone;
- (5) Hydrocodone;
- (6) Hydromorphone; or
- (7) Fentanyl powder.

Section 9-A governs the use of prior convictions when determining a sentence, except that, for the purposes of this paragraph, the date of a prior conviction may precede the commission of the offense by more than 10 years.

Violation of this paragraph is a Class C crime.'

COMMITTEE AMENDMENT

A. of S.

SUMMARY

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This amendment is the minority report of the committee. The amendment repeals 2 conflicting versions of the Maine Revised Statutes, Title 17-A, section 1107-A, 3 subsection 1, paragraph B, which was amended by Public Law 2015, chapter 308, section 4 2 and chapter 346, section 6. The amendment resolves the conflict and enacts a new 5 version of Title 17-A, section 1107-A, subsection 1, paragraph B. Under this 6 amendment, and subject to other provisions of law that address the quantities of drugs 7 possessed: 8

1. The first offense of possession of heroin, methamphetamine, oxycodone, 9 hydrocodone, hydromorphone or fentanyl powder, or cocaine in the form of cocaine base 10 if the quantity possessed is 2 grams or more, is a Class D crime; 11

2. The 2nd and subsequent offenses of possession of heroin, methamphetamine, 12 oxycodone, hydrocodone, hydromorphone or fentanyl powder, or cocaine in the form of 13 cocaine base if the quantity possessed is 2 grams or more, is a Class C crime; 14

3. The first offense and the 2nd and subsequent offenses of possession of cocaine in 15 the form of cocaine base if the quantity possessed is less than 2 grams is a Class D crime; 16 and 17

4. By the interaction of Title 17-A, section 1107-A, subsection 1, paragraphs A, B 18 and C, the possession of cocaine in any quantity of 14 grams or less regardless of whether 19 the offense is a first or subsequent offense is a Class D crime. 20

FISCAL NOTE REQUIRED

(See attached)

COMMITTEE AMENDMENT



127th MAINE LEGISLATURE

LD 1554

LR 2468(03)

An Act To Resolve Inconsistencies in the Drug Laws

Fiscal Note for Bill as Amended by Committee Amendment "B" (5-4/8)
Committee: Criminal Justice and Public Safety
Fiscal Note Required: Yes

Fiscal Note

Current biennium cost increase - General Fund

Correctional and Judicial Impact Statements

Increases the class of a crime from Class D to Class C.