

MAINE STATE LEGISLATURE

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8/14/17
R. G. S.

Date: 6/14/17

CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 983, L.D. 1429, Bill, "An Act Regarding the Epidemic of Opiate Abuse"

Amend the bill by inserting after section 1 the following:

'Sec. 1. 17-A MRSA §1105-A, sub-§1, ¶¶K and L, as enacted by PL 2003, c. 476, §2, are amended to read:

K. Death of another person is in fact caused by the use of that scheduled drug one or more scheduled drugs, the scheduled drug trafficked by the defendant is a contributing factor to the death of the other person and the drug is a schedule W drug. A violation of this paragraph is a Class A crime; or

L. Serious bodily injury of another person is in fact caused by the use of that scheduled drug one or more scheduled drugs, the scheduled drug trafficked by the defendant is a contributing factor to the serious bodily injury of the other person and the drug is a schedule W drug. A violation of this paragraph is a Class B crime.'

Amend the bill by adding after section 4 the following:

'Sec. 5. Appropriations and allocations. The following appropriations and allocations are made.

INDIGENT LEGAL SERVICES, MAINE COMMISSION ON

Maine Commission on Indigent Legal Services Z112

Initiative: Provides funds for an anticipated increase in indigent legal services costs resulting from additional prosecutions involving death or serious bodily injury to a person.

GENERAL FUND	2017-18	2018-19
All Other	\$8,250	\$11,000

COMMITTEE AMENDMENT

R. of S.

COMMITTEE AMENDMENT "A" to H.P. 983, L.D. 1429

1 GENERAL FUND TOTAL \$8,250 \$11,000

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

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SUMMARY

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This amendment adds to the bill new variants of aggravated trafficking of scheduled drugs that includes trafficking in scheduled drugs when the trafficked scheduled drug was a contributing factor in the death of another person, a Class A crime, or serious bodily injury of another person, a Class B crime.

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The amendment also adds an appropriations and allocations section.

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FISCAL NOTE REQUIRED

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(See attached)



128th MAINE LEGISLATURE

LD 1429

LR 666(02)

An Act Regarding the Epidemic of Opiate Abuse

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-510)

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

Fiscal Note

Potential current biennium revenue decrease - General Fund

Potential current biennium revenue increase - Municipal and County Law Enforcement

	FY 2017-18	FY 2018-19	Projections FY 2019-20	Projections FY 2020-21
Net Cost (Savings)				
General Fund	\$8,250	\$11,000	\$11,000	\$11,000
Appropriations/Allocations				
General Fund	\$8,250	\$11,000	\$11,000	\$11,000

Correctional and Judicial Impact Statements

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

The collection of additional fines may also increase General Fund revenue by minor amounts.

Fiscal Detail and Notes

The bill includes General Fund appropriations of \$8,250 in fiscal year 2017-18 and \$11,000 in fiscal year 2018-19 for the Maine Commission on Indigent Legal Services to support the anticipated increase in costs resulting from additional prosecutions involving death or serious bodily injury to a person.

Under current statute, the court determines the disposition of forfeited property and may order it deposited to the General Fund or that it go to a municipality, county, or state agency that has made a substantial contribution to the investigation or prosecution of a related criminal case. This bill keeps that language and adds to the court's options by also allowing disposition of forfeited property to, upon request of the investigating agency or prosecuting agency, a law enforcement agency in this State that provides case management and other social services to persons with substance use disorders. In any future case where the court will opt to use the new provision to redirect forfeited property from the General Fund to a local law enforcement agency, revenue will be increased to the receiving agency and reduced to the General Fund. No estimate of the amounts redirected can be made at this time.

Any additional costs to the Department of Health and Human Services from the provisions of this bill are expected to be minor and can be absorbed within existing budgeted resources.