

MAINE STATE LEGISLATURE

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STATE OF MAINE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE ON
JUDICIARY
BILL SUMMARY



JUNE 1987

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ONE HUNDRED AND THIRTEENTH LEGISLATURE
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JOINT STANDING COMMITTEE
BILL SUMMARIES
JUNE 1987

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The summaries are arranged by LD number under each committee.

All Adopted Amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor if it is a floor amendment or the designation "COMMITTEE" if it is a committee amendment.

Final action for each bill is listed to the right of the title. If final House action and Senate action differ, both are listed.

Please let us know if you would prefer a different format or additional information and if the summaries are helpful.

Key to Committee Reports and Floor Action:

OTP	Ought to Pass
OTP-ND	Ought to Pass in New Draft
OTP-ND-NT	Ought to Pass in New Draft, New Title
OTP-A	Ought to Pass as Amended
ONTP	Ought Not to Pass
LVWD	Leave to Withdraw
INDEF PP	Indefinitely Postponed

ADDENDUM

LD 1414 AN ACT RELATING TO AGGRAVATED TRAFFICKING OR FURNISHING SCHEDULED DRUGS UNDER THE MAINE CRIMINAL CODE

ND LD 1882

Sponsor: TAYLOR, Higgins, Twitchell, Webster, C.
Committee Report: OTP-ND LD 1822, LD 1823, LD 1882

SUMMARY: The original bill proposes mandatory sentences for convictions based on the furnishing of or trafficking in scheduled drugs to persons under 16 years of age; the furnishing of or trafficking in scheduled drugs in, on, or within 1,000 feet of a school or campus; and the furnishing of or trafficking in scheduled drugs where the offender has previously been convicted of drug law violations. The bill also proposes making possession of cocaine a felony; broadening the hypodermic apparatus law by making it a crime to furnish, as well as traffic in, those devices, and increasing the penalty from a Class C felony to a Class B felony; and creating a presumption that a person is unlawfully trafficking in scheduled drugs if he intentionally or knowingly possesses more than certain amounts of cocaine or heroin.

LD 1822 AN ACT RELATING TO AGGRAVATED TRAFFICKING OR FURNISHING SCHEDULED DRUGS UNDER THE MAINE CRIMINAL CODE

ND LD 1414
Maj Rpt
Recom to Jud

Sponsor: TAYLOR, Higgins, Twitchell, Webster, C.
Committee Report: New Draft Maj Rpt of LD 1414
Amendments Adopted:
H-399 CONF COMM

SUMMARY: The new draft proposes to:

create a presumption of trafficking for a person intentionally or knowingly possessing 28 grams or more of heroin;

create a presumption of furnishing for a person intentionally or knowingly possessing 14 grams or more of heroin;

define the crime of aggravated trafficking or furnishing scheduled drugs as trafficking with or furnishing to a child under 18 years of age or trafficking or furnishing after having been previously convicted of a drug felony;

create a Class D crime for furnishing a hypodermic apparatus; and

provide mandatory sentences for persons convicted of aggravated trafficking or furnishing scheduled drugs.

LD	AN ACT RELATING TO AGGRAVATED TRAFFICKING OR	PL 1987
1882	FURNISHING SCHEDULED DRUGS UNDER THE MAINE	c. 535
	CRIMINAL CODE	

Sponsor: TAYLOR, Higgins, Twitchell, Webster, C.
Committee Report: New Draft of LD 1414

SUMMARY: LD 1882 incorporates the provisions of LD 1822 except that it:

1. Deletes aggravated trafficking or furnishing of 2 pounds or less of marijuana from any mandatory minimum terms of imprisonment; and
2. Under certain circumstances, permits a court to sentence any other offender of the aggravated trafficking or furnishing law to a sentence other than the mandatory minimum term of imprisonment set by the bill. The amendment requires the court to consider certain factors and make written findings before setting an alternate sentence. In no event may the court sentence such an offender to less than mandatory imprisonment for 9 months for a Class A crime; 6 months for a Class B crime; or 3 months for a Class C crime, other than one involving aggravated trafficking or furnishing of 2 pounds or less of marijuana.