

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out all of section 4 and inserting the following:

‘Sec. 4. 17-A MRSA §1105-A, sub-§1, ¶M is enacted to read:

M. The person makes, creates or manufactures or attempts to make, create or manufacture methamphetamine, 3, 4 - methylenedioxymethamphetamine, 3, 4 - methylenedioxy amphetamine, lysergic acid diethylamide or fentanyl. Violation of this paragraph is a Class A crime.’

Amend the bill by striking out all of section 5 and inserting the following:

‘Sec. 5. 17-A MRSA §1252, sub-§5-A, ¶A, as amended by PL 2001, c. 383, §151 and affected by §156, is further amended to read:

A. Except as otherwise provided in paragraphs B and C, the minimum sentence of imprisonment, which may not be suspended, is as follows: When the sentencing class is Class A, the minimum term of imprisonment is 4 years; when the sentencing class is Class B, the minimum term of imprisonment is 2 years; and, with the exception of a conviction under section 1105-A, 1105-B, 1105-C or 1105-D when the drug that is the basis for the charge is marijuana, when the sentencing class is Class C, the minimum term of imprisonment is one year. This paragraph does not apply to a conviction under section 1105-A, subsection 1, paragraph A when the aggravating factor is trafficking in the presence of a child under 18 years of age;’

SUMMARY

This amendment establishes as an aggravating factor in the offense of trafficking or attempting to traffick in a scheduled drug manufacturing or an attempt to manufacture methamphetamine, 3, 4 - methylenedioxymethamphetamine, 3, 4 - methylenedioxy amphetamine, lysergic acid diethylamide or fentanyl. This makes this offense a Class A crime, which is subject to the current minimum mandatory sentencing alternative of 4 years imprisonment for certain Class A drug offenses. Making the manufacturing of these drugs a Class A crime replaces the provision in the bill that would have made trafficking or attempting to traffick in a schedule W drug at a residence at which a child less than 18 years of age resides and the basis of the offense is manufacturing or an attempt to manufacture a Class A crime subject to a mandatory minimum sentence of 10 years imprisonment.

FISCAL NOTE REQUIRED

(See attached)