

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‘**Sec. 1. 17-A MRSA §1107-A, sub-§1, ¶B,** as amended by PL 2015, c. 308, §2 and c. 346, §6, is repealed and the following enacted in its place: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

SUMMARY

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, subsection 1, paragraph B, which was amended by Public Law 2015, chapter 308, section 2 and chapter 346, section 6. The amendment resolves the conflict and enacts a new version of Title 17-A, section 1107-A, subsection 1, paragraph B. Under this amendment, and subject to other provisions of law that address the quantities of drugs possessed:

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

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

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

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

FISCAL NOTE REQUIRED

(See attached)