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Date: (Filing No. H- )

**CRIMINAL JUSTICE AND PUBLIC SAFETY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
125TH LEGISLATURE  
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1192, L.D. 1589, Bill, “An Act To Criminalize Possession, Trafficking and Furnishing of So-called Bath Salts Containing Synthetic Hallucinogenic Drugs”

Amend the bill in section 6 in §1119 by striking out all of subsection 2 (page 3, lines 24 to 29 in L.D.) and inserting the following:

2. A person who violates subsection 1 commits a Class C crime if the person has one or more prior convictions for any offense under this chapter or for engaging in substantially similar conduct to that of an offense under this chapter in another jurisdiction. Section 9-A governs the use of prior convictions when determining a sentence, except that, for the purposes of this subsection, the date of each prior conviction may precede the commission of the offense being enhanced by more than 10 years.'

Amend the bill by inserting after section 10 the following:

**Sec. 11. Appropriations and allocations.** The following appropriations and allocations are made.

**CORRECTIONS, DEPARTMENT OF  
Correctional Impact Reserve N033**

Initiative: Provides funds for the Correctional Impact Reserve program for an anticipated increase in correctional costs as a result of increasing the penalties for synthetic hallucinogenics.

<b>GENERAL FUND</b>	<b>2011-12</b>	<b>2012-13</b>
All Other	\$21,848	\$153,725
<b>GENERAL FUND TOTAL</b>	<hr/> \$21,848	<hr/> \$153,725

**COMMITTEE AMENDMENT**

1	<b>CORRECTIONS, DEPARTMENT OF</b>		
2	<b>DEPARTMENT TOTALS</b>	<b>2011-12</b>	<b>2012-13</b>
3			
4	<b>GENERAL FUND</b>	<b>\$21,848</b>	<b>\$153,725</b>
5			
6	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$21,848</b>	<b>\$153,725</b>

7 **INDIGENT LEGAL SERVICES, MAINE COMMISSION ON**  
 8 **Maine Commission on Indigent Legal Services Z112**  
 9 Initiative: Provides funds for the anticipated increase in indigent legal service costs as a  
 10 result of increasing the penalties related to synthetic hallucinogenics.

11	<b>GENERAL FUND</b>	<b>2011-12</b>	<b>2012-13</b>
12	All Other	\$9,167	\$22,000
13			
14	<b>GENERAL FUND TOTAL</b>	<b>\$9,167</b>	<b>\$22,000</b>

15	<b>INDIGENT LEGAL SERVICES, MAINE</b>		
16	<b>COMMISSION ON</b>		
17	<b>DEPARTMENT TOTALS</b>	<b>2011-12</b>	<b>2012-13</b>
18			
19	<b>GENERAL FUND</b>	<b>\$9,167</b>	<b>\$22,000</b>
20			
21	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$9,167</b>	<b>\$22,000</b>

22	<b>SECTION TOTALS</b>	<b>2011-12</b>	<b>2012-13</b>
23			
24	<b>GENERAL FUND</b>	<b>\$31,015</b>	<b>\$175,725</b>
25			
26	<b>SECTION TOTAL - ALL FUNDS</b>	<b>\$31,015</b>	<b>\$175,725</b>
27			

28 **SUMMARY**  
 29 This amendment eliminates from the bill language that enhances possession of  
 30 synthetic hallucinogenic drugs to a Class C crime if the person has a prior conviction for  
 31 any Class A, B or C offense in the Maine Revised Statutes, Title 17-A. The amendment  
 32 specifies that possession may be enhanced to a Class C crime if the person has one or  
 33 more prior convictions for any offense under the drug laws in the Maine Criminal Code  
 34 or for engaging in substantially similar conduct in another jurisdiction. The amendment

COMMITTEE AMENDMENT “ ” to H.P. 1192, L.D. 1589

1 also specifies that prior convictions are governed by Title 17-A, section 9-A. This  
2 amendment also adds an appropriations and allocations section.

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**FISCAL NOTE REQUIRED**

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**(See attached)**