

MEMO

TO: Committee on Criminal Justice and Public Safety

FROM: Criminal Law Advisory Commission (CLAC)

RE: L.D. 1035

Date: April 19, 2021

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CLAC members do not favor passage of LD 1035, which would create the crime of Maintaining Drug-Involved Premises.

The bill would create a new Class C crime for knowingly maintaining a place where drugs are stored, manufactured or distributed or used. CLAC members believe that the proposed new crime is unnecessary because knowingly allowing a place under one's control to be used to commit drugs crimes subjects the person in control of the premises to accomplice liability with respect to all of the crimes committed therein. See, 17-A M.R.S.A. § 57 (with intent to facilitate the commission of a crime, a person aids another person to commit a crime). Such conduct could also be addressed under the Conspiracy statute. See, 17-A M.R.S.A. § 151. CLAC members do not favor adding crimes that address specific conduct that is already criminalized under the existing, more general provisions of the Criminal Code.

CLAC members also point out that the Class C designation of the new crime would be unduly harsh if the crimes committed on the premises amounted to only Class D or Class E crimes.