



# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

---

Legislative Document

No. 44

H.P. 37

House of Representatives, January 11, 2011

### **An Act To Increase Potential Criminal Penalties for the Possession of Cocaine and Cocaine Base**

---

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative PLUMMER of Windham.  
Cosponsored by Senator SHERMAN of Aroostook and  
Representatives: BURNS of Whiting, CEBRA of Naples, CRAFTS of Lisbon, HINCK of  
Portland, LAJOIE of Lewiston, PARRY of Arundel, SARTY of Denmark.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 17-A MRSA §1107-A, sub-§1, ¶B**, as amended by PL 2007, c. 476, §43,  
3 is further amended to read:

4 B. A schedule W drug that contains:

5 (1) Heroin (diacetylmorphine);

6 (2) Cocaine or cocaine in the form of cocaine base ~~and at the time of the offense~~  
7 ~~the person has one or more prior convictions for any offense under this chapter or~~  
8 ~~for engaging in substantially similar conduct to that of the Maine offenses under~~  
9 ~~this chapter in another jurisdiction. For the purposes of this paragraph, a person~~  
10 ~~has been convicted of an offense on the date the judgment of conviction was~~  
11 ~~entered by the court;~~

12 (3) Methamphetamine;

13 (4) Oxycodone;

14 (5) Hydrocodone; or

15 (6) Hydromorphone.

16 Violation of this paragraph is a Class C crime;

17 **SUMMARY**

18 Under existing law, possession of 14 grams or less of cocaine is a Class D crime.  
19 This bill provides that possession of cocaine in any amount is at least a Class C crime.

20 Additionally, under existing law, possession of 4 grams or less of cocaine in the form  
21 of cocaine base, also known as "crack" cocaine, is a Class D crime when the State has not  
22 proven that the offender has a prior drug conviction, but rises to a Class C crime when the  
23 State has proven that the offender does have a prior drug conviction. The bill provides  
24 that possession of crack cocaine is at least a Class C crime even when the State has not  
25 proven that the offender has had a previous drug conviction.