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STATE OF MAINE
OFFICE OF THE DISTRICT ATTORNEY
PROSECUTORIAL DISTRICT IV

May 10, 2019

Senator Deschambault, Representative Warren, and Honorable members of the Criminal Justice and Public Safety Committee, my name is Maeghan Maloney, I am the District Attorney for Kennebec and Somerset Counties. I am here today to testify on behalf of the Maine District Attorneys neither for nor against LD 1492.

The Maine District Attorneys support the elimination of 17-A MRS § 1107-A (1)(A). This section criminalizes the possession of cocaine and cocaine base as a class B felony carrying up to 10 years in prison.

We support raising the thresholds of 17-A MRS § 1107-A (1)(B) to 500 milligrams for (1) Heroin, (4) Oxycodone, (5) Hydrocodone, and (7) Methamphetamine. Consequently, for uniformity, we support raising the limits in 17-A MRS § 1106 (E) to 500 milligrams of methamphetamine; (F) to 500 milligrams of the narcotic drug; and (G) to 500 milligrams of oxycodone. And raising the amount in 17-A MRS § 1101(18)(C) to 500 milligrams.

We support changing 17-A MRS § 1103(3)(B) to take out the words "4 grams or more." This will finally treat cocaine and crack the same with the remaining sentence reading: "Fourteen grams or more of cocaine or of cocaine in the form of cocaine base;".

We support changing 17-A MRS §§ 1105-A (1)(B), 1105-C (1)(B), 1105-D(1)(A) and 1107-A(B-1) to the following:

"At the time of the offense the person had one or more convictions for violating any Class A, B or C offense in section 1103, 1105-A, 1105-C, 1105-E, 1106 or section 1124 or for engaging in substantially similar conduct in another jurisdiction."

This change would ensure that a misdemeanor is never used to elevate a drug crime in all sections of the statute.

We support changing the statutes on trafficking in hypodermic apparatus. We support changing § 1110 (1) from a Class C crime to a Class D crime. We further support changing the number of hypodermic apparatuses in § 1110 (1-A) from 11 to 25 and changing the class of crime from a Class D to Class E. Likewise, we support changing the number of hypodermic apparatuses in § 1111 (1) from 11 to 25.

I would be happy to answer any questions.

A handwritten signature in black ink, appearing to be 'Maeghan Maloney'.