

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND TWENTY-FIVE

H.P. 595 - L.D. 930

**An Act to Amend the Law Governing Items Identified as Prison Contraband**

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

**Sec. 1. 17-A MRSA §757, sub-§3**, as enacted by PL 1975, c. 499, §1, is amended to read:

**3.** Trafficking Except as provided in subsection 4, trafficking in prison contraband is a Class C crime.

**Sec. 2. 17-A MRSA §757, sub-§4** is enacted to read:

**4.** If the prison contraband under subsection 1, paragraph B is electronic contraband that is not intended to be used to commit a separate crime, trafficking in prison contraband is a Class D crime. For purposes of this subsection, "electronic contraband" means a mobile telephone or other handheld electronic communication device not authorized or issued by the custodial authority.

**Sec. 3. 17-A MRSA §757-A**, as enacted by PL 2001, c. 386, §2, is amended to read:

**§757-A. Trafficking of tobacco or vaping device in adult correctional facilities**

**1.** A person is guilty of trafficking tobacco or a vaping device in an adult correctional facility if:

- A. That person intentionally conveys or attempts to convey tobacco ~~or~~ tobacco products or a vaping device to a person confined in an adult correctional facility that has banned the use of tobacco ~~or~~ tobacco products or vaping devices by prisoners; or
- B. That person is confined in an adult correctional facility that has banned the use of tobacco ~~or~~ tobacco products or vaping devices by prisoners and the person intentionally obtains or possesses tobacco ~~or~~ tobacco products or a vaping device.

**2.** As used in this section, "adult correctional facility" means a county jail or correctional facility other than a juvenile facility under the control of the Department of Corrections and "vaping device" means a device, also known as a vape, e-cigarette, electronic cigarette or electronic vaporizer, that simulates smoking using an atomizer, a power source such as a battery and a container such as a cartridge or a tank and is used for ingesting any substance, including a drug identified in section 1101, subsection 11.

3. Trafficking of tobacco or a vaping device in an adult correctional facility is a Class E crime.