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(Filing No. H- )

**CRIMINAL JUSTICE AND PUBLIC SAFETY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
130TH LEGISLATURE  
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1246, L.D. 1675, “An Act To Amend Certain Provisions of Maine's Drug Laws”

Amend the bill by striking out all of section 3 and inserting the following:

**'Sec. 3. 17-A MRSA §1103, sub-§3**, as amended by PL 2015, c. 346, §4, is further amended to read:

**3.** Proof that the person intentionally or knowingly possesses any scheduled drug that is in fact of a quantity, state or concentration as provided in this subsection, gives rise to a permissible inference under the Maine Rules of Evidence, Rule 303 that the person is unlawfully trafficking in scheduled drugs:

- A. More than one pound of marijuana;
- B. Fourteen grams or more of cocaine ~~or 4 grams or more of cocaine in the form of cocaine base;~~
- C-1. Two grams or more of heroin;
- C-2. Two grams or more of fentanyl powder;
- D. Lysergic acid diethylamide in any of the following quantities, states or concentrations:
  - (1) Any compound, mixture, substance or solution in a liquid state that contains a detectable quantity of lysergic acid diethylamide;
  - (2) Fifty or more squares, stamps, tablets or units of any compound, mixture or substance containing a detectable quantity of lysergic acid diethylamide; or
  - (3) Any quantity of any compound, mixture or substance that, in the aggregate, contains 2,500 micrograms or more of lysergic acid diethylamide;
- E. Fourteen grams or more of methamphetamine;
- F. Ninety or more pills, capsules, tablets, vials, ampules, syringes or units containing any narcotic drug other than heroin;

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1 G. Any quantity of pills, capsules, tablets, units, compounds, mixtures or substances  
2 that, in the aggregate, contains 800 milligrams or more of oxycodone or 100 milligrams  
3 or more of hydromorphone; or

4 H. Fourteen grams or more of or 30 or more pills, capsules, tablets or units containing  
5 3, 4 - methylenedioxymethamphetamine, MDMA, or any other drug listed in section  
6 1102, subsection 1, paragraph O or P.'

7 Amend the bill by inserting after section 5 the following:

8 '**Sec. 6. 17-A MRSA §1106, sub-§3**, as amended by PL 2015, c. 496, §§3 to 5, is  
9 further amended to read:

10 **3.** Proof that the person intentionally or knowingly possesses a scheduled drug that is  
11 in fact of a quantity, state or concentration as provided in this subsection, gives rise to a  
12 permissible inference under the Maine Rules of Evidence, Rule 303 that the person is  
13 unlawfully furnishing that scheduled drug:

14 A. More than 2 1/2 ounces of marijuana;

15 B. More than 2 grams of cocaine ~~or 2 grams or more of cocaine in the form of cocaine~~  
16 ~~base;~~

17 C-1. Two grams or more of heroin;

18 C-2. Two grams or more of fentanyl powder;

19 D. Lysergic acid diethylamide in any of the following quantities or concentrations:

20 (1) Not less than 25 squares, stamps, tablets or units of any compound, mixture or  
21 substance containing a detectable quantity of lysergic acid diethylamide; or

22 (2) Any quantity of any compound, mixture or substance that, in the aggregate,  
23 contains not less than 1,250 micrograms of lysergic acid diethylamide;

24 E. More than 200 milligrams of methamphetamine;

25 F. Any quantity of pills, capsules, tablets, vials, ampules, syringes or units containing  
26 any narcotic drug other than heroin that, in the aggregate, contains more than 200  
27 milligrams of the narcotic drug;

28 G. Any quantity of pills, capsules, tablets, units, compounds, mixtures or substances  
29 that, in the aggregate, contains more than 200 milligrams of oxycodone or more than  
30 200 milligrams of hydromorphone; or

31 H. Fifteen or more pills, capsules, tablets or units containing 3, 4 -  
32 methylenedioxymethamphetamine, MDMA, or any other drug listed in section 1102,  
33 subsection 1, paragraph O.'

34 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
35 number to read consecutively.

36

### SUMMARY

37 This amendment is the minority report of the committee. This amendment creates a  
38 permissible inference of trafficking in drugs when a person possesses 2 grams or more of  
39 heroin or fentanyl powder. The amendment creates a permissible inference of furnishing  
40 drugs when a person possesses 2 grams or more of heroin or fentanyl powder. The

COMMITTEE AMENDMENT “ ” to H.P. 1246, L.D. 1675

1 amendment removes references to cocaine base in the laws governing permissible inference  
2 of drug trafficking and drug furnishing.

3

**FISCAL NOTE REQUIRED**

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**(See attached)**