

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Authorize the Use of Handheld Narcotics Analyzers

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

Sec. 1. 17-A MRS §1112, sub-§4 is enacted to read:

4. A law enforcement agency that has in its possession a drug or substance for analysis as a scheduled drug may, in addition to or instead of analysis of the drug or substance in accordance with subsection 1, submit the drug or substance for analysis by means of a handheld narcotics analyzer that has been evaluated and certified by the Department of Health and Human Services, Health and Environmental Testing Laboratory as reliable for field testing of scheduled drugs. A law enforcement officer who analyzes a drug or substance pursuant to this subsection shall perform the analysis by means of a handheld narcotics analyzer in accordance with procedures adopted by the Health and Environmental Testing Laboratory and upon completion of the analysis shall issue a signed certificate stating the results of the analysis. The certificate, when duly signed and sworn to by a person certified as qualified for this purpose by the Department of Health and Human Services under certification standards set by that department, is admissible in evidence in a court of the State, and gives rise to a permissible inference under the Maine Rules of Evidence, Rule 303 that the composition, quality and quantity of the drug or substance are as stated in the certificate, unless, with 10 days' written notice to the prosecution, the defendant requests that a qualified witness testify as to the composition, quality and quantity.

SUMMARY

This bill provides that a law enforcement agency that has in its possession a drug or substance for analysis as a scheduled drug may, in addition to or instead of analysis of the drug or substance in a laboratory, submit the drug or substance for analysis by means of a handheld narcotics analyzer that has been evaluated and certified by the Department of Health and Human Services, Health and Environmental Testing Laboratory as reliable for field testing of scheduled drugs. The bill requires that a law enforcement officer who analyzes a drug or substance by means of a handheld narcotics analyzer in accordance with procedures adopted by the Health and Environmental Testing Laboratory must upon completion of the analysis issue a signed certificate stating the results of the analysis. The bill provides that such a certificate, when duly signed and sworn to by a person certified as qualified for this purpose by the Department of Health and Human Services under certification standards set by that department, is admissible in evidence in a court of the State, and gives rise to a permissible inference under the Maine Rules of Evidence, Rule 303 that the composition, quality and quantity of the drug or substance are as stated in the certificate, unless, with 10 days' written notice to the prosecution, the defendant requests that a qualified witness testify as to the composition, quality and quantity.