



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 788

S.P. 232

In Senate, February 12, 2019

An Act To Authorize the Use of Handheld Narcotics Analyzers

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator KEIM of Oxford.
Cosponsored by Representative STEWART of Presque Isle and
Senators: CARPENTER of Aroostook, DESCHAMBAULT of York, MOORE of Washington,
ROSEN of Hancock.

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

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

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

20

SUMMARY

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