

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

—
H.P. 1246 - L.D. 1675

An Act To Amend Certain Provisions of Maine's Drug Laws

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

Sec. 1. 17-A MRSA §1101, sub-§17, as amended by PL 2015, c. 346, §1, is further amended to read:

17. "Traffick":

- A. To make, create, manufacture;
- B. To grow or cultivate, except for marijuana;
- C. To sell, barter, trade, exchange or otherwise furnish for consideration; or
- D. To possess with the intent to do any act mentioned in paragraph C;
- E. ~~To possess 2 grams or more of heroin or 90 or more individual bags, folds, packages, envelopes or containers of any kind containing heroin; or~~
- F. ~~To possess 2 grams or more of fentanyl powder or 90 or more individual bags, folds, packages, envelopes or containers of any kind containing fentanyl powder.~~

Sec. 2. 17-A MRSA §1101, sub-§18, as amended by PL 2015, c. 496, §§1 and 2, is further amended to read:

18. "Furnish":

- A. To furnish, give, dispense, administer, prescribe, deliver or otherwise transfer to another; or
- B. To possess with the intent to do any act mentioned in paragraph A;
- C. ~~To possess more than 200 milligrams but less than 2 grams of heroin or at least 45 but fewer than 90 individual bags, folds, packages, envelopes or containers of any kind containing heroin; or~~
- D. ~~To possess more than 200 milligrams but less than 2 grams of fentanyl powder or at least 45 but fewer than 90 individual bags, folds, packages, envelopes or containers of any kind containing fentanyl powder.~~

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. Four grams or more of heroin;

C-2. Four 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;

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

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

Sec. 4. 17-A MRSA §1105-A, sub-§1, ¶D, as enacted by PL 2001, c. 383, §119 and affected by §156, is amended to read:

D. At the time of the offense, the person trafficks in cocaine in a quantity of 112 grams or more ~~or cocaine in the form of cocaine base in a quantity of 32 grams or more~~. Violation of this paragraph is a Class A crime;

Sec. 5. 17-A MRSA §1105-C, sub-§1, ¶D, as enacted by PL 2001, c. 383, §119 and affected by §156, is amended to read:

D. At the time of the offense, the person furnishes cocaine in a quantity of 112 grams or more ~~or cocaine in the form of cocaine base in a quantity of 32 grams or more~~. Violation of this paragraph is a Class B crime;

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

3. Proof that the person intentionally or knowingly possesses a 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 furnishing that scheduled drug:

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

B. More than 2 grams of cocaine ~~or 2 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 or concentrations:

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

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

E. More than 200 milligrams of methamphetamine;

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

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

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