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Date: (Filing No. S-)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
SENATE
131ST LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 405, L.D. 986, “An Act to Ensure Safer Communities by Increasing the Punishment for Crimes Involving Fentanyl”

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 17-A MRSA §1103-A is enacted to read:

§1103-A. Unlawful use of electronic communication device in furtherance of fentanyl trafficking

1. A person is guilty of unlawful use of an electronic communication device in furtherance of fentanyl trafficking if that person intentionally or knowingly uses an electronic communication device in the furtherance of trafficking in a scheduled drug that is or contains a detectable quantity of W-18; W-15; carfentanil; sufentanil; fentanyl powder; and any derivative of fentanyl powder by any substitution on or replacement of the phenethyl group, any substitution on the piperidine ring, any substitution on or replacement of the propenamide group, any substitution on the phenyl group or any combination thereof, including, but not limited to, despropionyl fentanyl, furanylfentanyl, fluorofentanyl, 4-fluoroisobutyryl fentanyl, acetylfentanyl and any methylfentanyl derivatives. Violation of this subsection is a Class B crime.

2. As used in this section, "electronic communication device" means an electronic device, including, but not limited to, a telephone, wireless telephone, personal digital assistant or portable or mobile computer. "Electronic communication device" includes landline telephones.'

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

COMMITTEE AMENDMENT

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SUMMARY

This amendment, which is one of 2 minority reports of the committee, strikes provisions of the bill that increase the penalty for trafficking fentanyl and other scheduled drugs containing a detectable amount of fentanyl from a Class B crime to a Class A crime.

FISCAL NOTE REQUIRED

(See attached)