§1106. Unlawfully furnishing scheduled drugs

1.

[PL 2001, c. 383, §120 (RP); PL 2001, c. 383, §156 (AFF).]

1-A. Except as provided in subsection 1-B, a person is guilty of unlawful furnishing of a scheduled drug if the person intentionally or knowingly furnishes what the person knows or believes to be a scheduled drug, which is in fact a scheduled drug, and the drug is:

A. A schedule W drug. Violation of this paragraph is a Class C crime; [PL 2001, c. 383, §121 (NEW); PL 2001, c. 383, §156 (AFF).]

B. A schedule X drug. Violation of this paragraph is a Class D crime; [PL 2001, c. 383, §121 (NEW); PL 2001, c. 383, §156 (AFF).]

C. A schedule Y drug. Violation of this paragraph is a Class D crime; or [PL 2001, c. 383, §121 (NEW); PL 2001, c. 383, §156 (AFF).]

D. A schedule Z drug. Violation of this paragraph is a Class D crime. [PL 2001, c. 383, §121 (NEW); PL 2001, c. 383, §156 (AFF).]

[PL 2001, c. 383, §121 (NEW); PL 2001, c. 383, §156 (AFF).]

1-B. A person is not guilty of unlawful furnishing of a scheduled drug if the conduct that constitutes the furnishing is expressly:

A. Authorized by Title 22, Title 28-B or Title 32; or [PL 2017, c. 409, Pt. B, §4 (AMD).]

B. Made a civil violation by Title 22 or Title 28-B. [PL 2017, c. 409, Pt. B, §4 (AMD).]

[PL 2017, c. 409, Pt. B, §4 (AMD).]

2.

[PL 2001, c. 383, §122 (RP); PL 2001, c. 383, §156 (AFF).]

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; [PL 2009, c. 67, §1 (AMD).]

B. More than 2 grams of cocaine; [PL 2021, c. 396, §6 (AMD).]

C. [PL 1999, c. 531, Pt. I, §7 (RP).]

C-1. Two grams or more of heroin; [PL 2021, c. 396, §6 (NEW).]

C-2. Two grams or more of fentanyl powder; [PL 2021, c. 396, §6 (NEW).]

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; [PL 2001, c. 419, §16 (AMD).]

E. More than 200 milligrams of methamphetamine; [PL 2015, c. 496, §4 (AMD).]

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; [PL 2015, c. 496, §5 (AMD).]

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 [PL 2015, c. 496, §5 (AMD).]

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. [PL 2001, c. 419, §16 (NEW).]

[PL 2021, c. 396, §6 (AMD).]

4.

[PL 1989, c. 334, §4 (RP).]

5. If a person uses a motor vehicle to facilitate the unlawful furnishing of a scheduled drug, the court may, in addition to other authorized penalties, suspend the person's driver's license, permit, privilege to operate a motor vehicle or right to apply for or obtain a license for a period not to exceed 5 years. A suspension may not begin until after any period of incarceration is served. If the court suspends a person's driver's license, permit, privilege to operate a motor vehicle or right to apply for or obtain a license, the court shall notify the Secretary of State of the suspension. The Secretary of State may not reinstate the person's driver's license, permit, privilege to operate a motor vehicle or right to apply for or obtain a license unless the person demonstrates that, after having been released and discharged from any period of incarceration that may have been ordered, the person has served the period of suspension ordered by the court.

[PL 2025, c. 173, §10 (AMD).]

6. It is an affirmative defense to prosecution under this section that the substance furnished is:

A. Hemp. [PL 2021, c. 434, §1 (AMD).]

B. [PL 2021, c. 434, §1 (RP).]

[PL 2021, c. 434, §1 (AMD).]

SECTION HISTORY

PL 1975, c. 499, §1 (NEW). PL 1987, c. 164, §§3,4 (AMD). PL 1987, c. 535, §§4,5 (AMD). PL 1989, c. 253 (AMD). PL 1989, c. 334, §4 (AMD). PL 1989, c. 344, §2 (AMD). PL 1989, c. 384, §3 (AMD). PL 1989, c. 600, §§A7,8 (AMD). PL 1989, c. 924, §12 (AMD). PL 1991, c. 548, §A11 (AMD). PL 1993, c. 674, §6 (AMD). PL 1995, c. 635, §5 (AMD). PL 1999, c. 422, §§7-9 (AMD). PL 1999, c. 453, §§11,12 (AMD). PL 1999, c. 531, §§I6,7 (AMD). PL 2001, c. 383, §§120-123 (AMD). PL 2001, c. 383, §156 (AFF). PL 2001, c. 419, §§16-18 (AMD). PL 2003, c. 61, §6 (AMD). PL 2007, c. 346, Pt. B, §1 (AMD). PL 2009, c. 67, §1 (AMD). PL 2015, c. 496, §§3-5 (AMD). PL 2017, c. 409, Pt. B, §4 (AMD). PL 2019, c. 12, Pt. B, §7 (AMD). PL 2021, c. 396, §6 (AMD). PL 2021, c. 434, §1 (AMD). PL 2025, c. 173, §10 (AMD).

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