§1107-A. Unlawful possession of scheduled drugs

1. Except as provided in subsection 2, a person is guilty of unlawful possession of a scheduled drug if the person intentionally or knowingly possesses what that 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 and at the time of the offense the person had one or more convictions for violating this chapter or for engaging in substantially similar conduct to that of the Maine offenses under this chapter in another jurisdiction and the drug is:

(1) Cocaine and the quantity possessed is more than 14 grams; or

(3) Methamphetamine and the quantity possessed is more than 14 grams.

Section 9-A governs the use of prior convictions when determining a sentence, except that, for the purposes of this paragraph, the date of a prior conviction may precede the commission of the offense by more than 10 years.

Violation of this paragraph is a Class B crime; [PL 2025, c. 326, §§1, 2 (AMD).]

B. Except as provided in paragraph B-1, a schedule W drug and the drug contains:

(1) Heroin (diacetylmorphine) and the amount possessed is more than 200 milligrams;

(2) Cocaine and the amount possessed is more than 2 grams;

(3) Cocaine in the form of cocaine base and the amount possessed is more than 2 grams;

(4) Oxycodone and the amount possessed is more than 200 milligrams;

(5) Hydrocodone and the amount possessed is more than 200 milligrams;

(6) Hydromorphone and the amount possessed is more than 200 milligrams;

(7) Methamphetamine and the amount possessed is more than 200 milligrams; or

(8) Fentanyl powder and the amount possessed is more than 200 milligrams.

Violation of this paragraph is a Class C crime; [PL 2015, c. 496, §6 (RPR).]

B-1. A schedule W drug and that drug contains any of the following and at the time of the offense the person had one or more convictions for violating section 1103, 1105-A, 1105-C, 1105-E, 1106 or section 1124 or for engaging in substantially similar conduct in another jurisdiction:

(1) Heroin (diacetylmorphine);

(2) Cocaine;

(3) Cocaine in the form of cocaine base;

(4) Oxycodone;

(5) Hydrocodone;

(6) Hydromorphone;

(7) Methamphetamine; or

(8) Fentanyl powder.

Violation of this paragraph is a Class C crime; [PL 2015, c. 496, §7 (NEW).]

C. A schedule W drug, except as provided in paragraphs A, B and B-1. Violation of this paragraph is a Class D crime; [PL 2015, c. 496, §8 (AMD).]

D. A schedule X drug. Violation of this paragraph is a Class D crime; [PL 2001, c. 383, §127 (NEW); PL 2001, c. 383, §156 (AFF).]

E. A schedule Y drug. Violation of this paragraph is a Class E crime; or [PL 2001, c. 383, §127 (NEW); PL 2001, c. 383, §156 (AFF).]

F. A schedule Z drug. Violation of this paragraph is a Class E crime unless the drug is marijuana, in which case a violation of this paragraph is:

(1) For possession of over 2 1/2 ounces to 8 ounces of marijuana, a Class E crime;

(2) For possession of over 8 ounces to 16 ounces of marijuana, a Class D crime;

(3) For possession of over one pound to 20 pounds of marijuana, a Class C crime; and

(4) For possession of over 20 pounds of marijuana, a Class B crime. [PL 2009, c. 67, §2 (AMD).]

[PL 2025, c. 326, §§1, 2 (AMD).]

2. A person is not guilty of unlawful possession of a scheduled drug if the conduct that constitutes the possession is expressly:

A. Authorized by Title 22, Title 28-B or Title 32; or [PL 2017, c. 409, Pt. B, §5 (AMD).]

B. Made a civil violation by Title 22 or Title 28-B. [PL 2017, c. 409, Pt. B, §5 (AMD).]

[PL 2017, c. 409, Pt. B, §5 (AMD).]

3. It is an affirmative defense to prosecution under this section that:

A. The substance possessed is hemp; or [PL 2019, c. 12, Pt. B, §8 (AMD).]

B. The substance possessed is a methamphetamine precursor drug and was possessed by the defendant for a legitimate medical purpose. [PL 2005, c. 430, §4 (NEW); PL 2005, c. 430, §10 (AFF).]

[PL 2019, c. 12, Pt. B, §8 (AMD).]

4. It is an affirmative defense to prosecution under subsection 1, paragraph B, subparagraphs (4) to (6); subsection 1, paragraph B-1, subparagraphs (4) to (6); and paragraphs C to F that the person possessed a valid prescription for the scheduled drug or controlled substance that is the basis for the charge and that, at all times, the person intended the drug to be used only for legitimate medical use in conformity with the instructions provided by the prescriber and dispenser.
[PL 2015, c. 496, §9 (AMD).]

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

A. Hemp. [PL 2021, c. 434, §2 (AMD).]

B. [PL 2021, c. 434, §2 (RP).]

[PL 2021, c. 434, §2 (AMD).]

6. Unlawful possession of a scheduled drug does not include possession of a residual amount of any scheduled drug that is contained in one or more hypodermic apparatuses.
[PL 2021, c. 434, §3 (NEW).]

SECTION HISTORY

PL 2001, c. 383, §127 (NEW). PL 2001, c. 383, §156 (AFF). PL 2003, c. 61, §7 (AMD). PL 2005, c. 252, §1 (AMD). PL 2005, c. 430, §4 (AMD). PL 2005, c. 430, §10 (AFF). PL 2005, c. 442, §1 (AMD). PL 2007, c. 55, §2 (AMD). PL 2007, c. 346, Pt. B, §2 (AMD). PL 2007, c. 476, §43 (AMD). PL 2009, c. 67, §2 (AMD). PL 2011, c. 464, §19 (AMD). PL 2015, c. 308, §§1, 2 (AMD). PL 2015, c. 346, §6 (AMD). PL 2015, c. 496, §§6-9 (AMD). PL 2017, c. 409, Pt. B, §5 (AMD). PL 2019, c. 12, Pt. B, §§8, 9 (AMD). PL 2021, c. 434, §§2, 3 (AMD). PL 2025, c. 326, §§1, 2 (AMD).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 132nd Maine Legislature and is current through October 1, 2026. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.