

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 788

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S.P. 232

In Senate, February 12, 2019

### An Act To Authorize the Use of Handheld Narcotics Analyzers

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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.