

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1288

S.P. 517

In Senate, March 25, 2025

An Act to Amend Certain Provisions of Maine's Drug Laws Regarding Heroin, Fentanyl and Cocaine

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", is positioned above the printed name of the Secretary of the Senate.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator HAGGAN of Penobscot.
Cosponsored by Representative PERKINS of Dover-Foxcroft and
Senator: CYRWAY of Kennebec, Representative: NUTTING of Oakland.

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

2 **Sec. 1. 17-A MRSA §1101, sub-§1-C** is enacted to read:

3 **1-C.** "Fold" means a folded piece of tin or aluminum foil or other material used to
4 contain a drug, usually in powder form.

5 **Sec. 2. 17-A MRSA §1101, sub-§17**, as amended by PL 2021, c. 396, §1, is further
6 amended to read:

7 **17.** "Traffick" means:

8 A. To make, create, or manufacture;

9 B. To grow or cultivate, except for marijuana;

10 C. To sell, barter, trade, exchange or otherwise furnish for consideration; ~~or~~

11 D. To possess with the intent to do any act mentioned in paragraph C-;

12 G. To possess 2 grams or more of heroin or 90 or more individual bags, folds,
13 packages, envelopes or containers of any kind containing heroin; or

14 H. To possess 2 grams or more of fentanyl powder or 90 or more individual bags,
15 folds, packages, envelopes or containers of any kind containing fentanyl powder.

16 **Sec. 3. 17-A MRSA §1101, sub-§18**, as amended by PL 2021, c. 396, §2, is further
17 amended to read:

18 **18.** "Furnish" means:

19 A. To furnish, give, dispense, administer, prescribe, deliver or otherwise transfer to
20 another; ~~or~~

21 B. To possess with the intent to do any act mentioned in paragraph A-;

22 E. To possess more than 200 milligrams but less than 2 grams of heroin or at least 45
23 but fewer than 90 individual bags, folds, packages, envelopes or containers of any kind
24 containing heroin; or

25 F. To possess more than 200 milligrams but less than 2 grams of fentanyl powder or
26 at least 45 but fewer than 90 individual bags, folds, packages, envelopes or containers
27 of any kind containing fentanyl powder.

28 **Sec. 4. 17-A MRSA §1103, sub-§3, ¶B**, as amended by PL 2021, c. 396, §3, is
29 further amended to read:

30 B. Fourteen grams or more of cocaine or 4 grams or more of cocaine in the form of
31 cocaine base;

32 **Sec. 5. 17-A MRSA §1103, sub-§3, ¶C-1**, as enacted by PL 2021, c. 396, §3, is
33 repealed.

34 **Sec. 6. 17-A MRSA §1103, sub-§3, ¶C-2**, as enacted by PL 2021, c. 396, §3, is
35 repealed.

36 **Sec. 7. 17-A MRSA §1105-A, sub-§1, ¶D**, as amended by PL 2021, c. 396, §4, is
37 further amended to read:

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

4 **Sec. 8. 17-A MRSA §1105-C, sub-§1, ¶D**, as amended by PL 2021, c. 396, §5, is
5 further amended to read:

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

9 **Sec. 9. 17-A MRSA §1106, sub-§3, ¶B**, as amended by PL 2021, c. 396, §6, is
10 further amended to read:

11 B. More than 2 grams of cocaine or 2 grams or more of cocaine in the form of cocaine
12 base;

13 **Sec. 10. 17-A MRSA §1106, sub-§3, ¶C-1**, as enacted by PL 2021, c. 396, §6, is
14 repealed.

15 **Sec. 11. 17-A MRSA §1106, sub-§3, ¶C-2**, as enacted by PL 2021, c. 396, §6, is
16 repealed.

17 SUMMARY

18 This bill amends the provisions of the Maine Criminal Code regarding drugs by adding:

19 1. To the definition of "traffick" possessing 2 grams or more of heroin or 90 or more
20 individual bags, folded foil or other material, packages, envelopes or containers of any kind
21 containing heroin and possessing 2 grams or more of fentanyl powder or 90 or more
22 individual bags, folded foil or other material, packages, envelopes or containers of any kind
23 containing fentanyl powder;

24 2. To the definition of "furnish" possessing more than 200 milligrams but less than 2
25 grams of heroin or at least 45 but fewer than 90 individual bags, folded foil or other
26 material, packages, envelopes or containers of any kind containing heroin and possessing
27 more than 200 milligrams but less than 2 grams of fentanyl powder or at least 45 but fewer
28 than 90 individual bags, folded foil or other material, packages, envelopes or containers of
29 any kind containing fentanyl powder;

30 3. The possession of 4 grams or more of cocaine in the form of cocaine base to the law
31 that allows a court to infer under the Maine Rules of Evidence, Rule 303, that a person is
32 unlawfully trafficking in scheduled drugs;

33 4. To the crime of aggravated trafficking in a scheduled drug the trafficking of cocaine
34 in the form of cocaine base in a quantity of 32 grams or more;

35 5. To the crime of aggravated furnishing of a scheduled drug the furnishing of cocaine
36 in the form of cocaine base in a quantity of 32 grams or more; and

37 6. The possession of 2 grams or more of cocaine base to the law that allows a court to
38 infer under the Maine Rules of Evidence, Rule 303, that a person is unlawfully furnishing
39 scheduled drugs.

1 The bill also removes heroin and fentanyl powder from the provisions in the laws
2 governing unlawful trafficking and unlawful furnishing regarding the permissible inference
3 under the Maine Rules of Evidence, Rule 303.