

# MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

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ONE HUNDRED AND EIGHTH LEGISLATURE

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**Legislative Document**

**No. 2094**

S. P. 676

In Senate, January 19, 1978

Governor's Bill. The Committee on Judiciary suggested.

MAY M. ROSS, Secretary

Presented by Senator Pierce of Kennebec.

Cosponsors: Senator Pray of Penobscot, Senator Redmond of Somerset,  
Senator Jackson of Cumberland.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-EIGHT

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**AN ACT Relating to the Classification of Drug Offenses.**

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

**Sec. 1. 17-A MRSA § 1102, sub-§ 1, ¶¶ J to O are enacted to read:**

**J. All federal schedule 1 and 2 substances, unless listed**

**or described in another schedule;**

**K. Diethylpropion or its salts;**

**L. Phencyclidine;**

**M. Lysergic acid diethylamide;**

**N. Lysergic acid; and**

**O. Lysergic acid amide.**

**Sec. 2. 17-A MRSA § 1102, sub-§ 2, ¶ C, sub¶¶ (8), and (9), as enacted by P. L. 1975, c. 499, § 1, are repealed and the following enacted in their place:**

**(8) Hashish;**

**Sec. 3. 17-A MRSA § 1102, sub-§ 2, ¶ H, sub-¶ (8), as enacted by P. L. 1975, c. 740, § 100, is repealed.**

**Sec. 4. 17-A MRSA § 1102, sub-§ 2, ¶¶ I and J, as enacted by P. L. 1975, c. 740, § 100, are repealed.**

**Sec. 5. 17-A MRSA § 1102, sub-§ 3, ¶ T, as enacted by P. L. 1975, c. 740, § 101, is repealed.**

**Sec. 6. 17-A MRSA § 1102, sub-§ 3 ¶ V is enacted to read:**

**V. All prescription drugs other than those included in schedules W or X.**

**Sec. 7. 17-A MRSA § 1102, sub-§ 4, ¶ A, as enacted by P. L. 1975, c. 499, § 1, is repealed.**

**Sec. 8. 17-A MRSA § 1103, sub-§ 2, ¶¶ B and C, as enacted by P. L. 1975, c. 499, § 1 are repealed and the following enacted in their place:**

**B. A Class C Crime if the drug is a schedule X or schedule Y drug; or**

**C. A Class D crime if the drug is a schedule Z drug.**

**Sec. 9. 17-A MRSA § 1104, as enacted by P. L. 1975, c. 499, § 1 is repealed and the following enacted in its place;**

**§ 1104. Trafficking in or furnishing counterfeit drugs**

**1. A person is guilty of trafficking in or furnishing counterfeit drugs if he intentionally or knowingly trafficks in or furnishes a substance which he represents to be a scheduled drug but which, in fact, is not a scheduled drug.**

**2. Violation of this section is:**

**A. A Class C crime if the substance is capable, in fact, of causing death or serious bodily injury when taken or administered in the customary or intended manner; or**

**B. A Class D crime if the substance is not capable, in fact, of causing death or serious bodily injury when taken or administered in the customary or intended manner.**

**Sec. 10. 17-A MRSA § 1106, sub-§ 2 as enacted by P. L. 1975, c. 499, § 1 is repealed and the following enacted in its place:**

**2. Violation of this section is:**

**A. A Class B crime if the drug is a schedule W drug;**

**B. A Class C crime if the drug is a schedule X or Y drug; or**

**C. A Class D crime if the drug is a schedule Z drug.**

**Sec. 11. 17-A MRSA § 1107, sub-§ 2, as enacted by P. L. 1975, c. 499, § 1, is repealed and the following enacted in its place:**

**2. Violation of this section is:**

**A. A Class C crime if the drug is a schedule W or X drug;**

**B. A Class D crime if the drug is a schedule Y drug; or**

**C. A Class E crime if the drug is a schedule Z drug, or other than marijuana.**

#### STATEMENT OF FACT

The purpose of this bill is to strengthen the existing statute as it applies to penalties relating to scheduled drugs.

It is intended that possession of dangerous drugs such as heroin, cocaine, LSD, phencyclidine and other schedule W & X drugs become a Class C crime. Furnishing these drugs is intended to become a Class B crime for schedule W and a Class C crime for furnishing X & Y drugs.

Additionally, possession of schedule Y drugs would become a Class D crime, and possession of schedule Z drugs, except marijuana, would become a Class E crime.

Schedule changes are also intended to make phencyclidine, LSD, diethylpropion, or its salts, and all federal schedule 1 and 2 substances, unless otherwise described, schedule W classification.

The penalty for unlawful trafficking in schedule Y drugs is also intended to increase to a Class C crime. Trafficking in schedule Z drugs would remain a Class D crime.