

# MAINE STATE LEGISLATURE

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(New Draft of H.P. 1051, L.D. 1414)  
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1823

H.P. 1333 House of Representatives, June 11, 1987  
Reported by the Minority from the Committee on Judiciary  
and printed under Joint Rule 2.

EDWIN H. PERT, Clerk  
Original bill sponsored by Representative TAYLOR of  
Camden. Cosponsored by Representative HIGGINS of Scarborough,  
Senators TWITCHELL of Oxford and WEBSTER of Franklin.

STATE OF MAINE

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-SEVEN

1           **AN ACT** Relating to Aggravated Trafficking or  
2           Furnishing Scheduled Drugs under the  
3           Maine Criminal Code.  
4

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

7           **Sec. 1.** 17-A MRSA §1103, sub-§3, as amended by  
8           PL 1987, c. 164, §1, is further amended to read:

9           3. A person shall be presumed to be unlawfully  
10          trafficking in scheduled drugs if he intentionally or  
11          knowingly possesses more than 2 pounds of marijuana  
12          or one ounce, 28 grams or more of cocaine or 28 grams  
13          or more of heroin.

14          **Sec. 2.** 17-A MRSA §1103, sub-§4, as enacted by  
15          PL 1987, c. 164, §2, is amended to read:

1 4. As used in this section, "cocaine" means co-  
2 caine--or any salt, compound,--isomer,--derivative  
3 mixture or preparation which is chemically equivalent  
4 or identical--to any of these substances and any ac-  
5 tive or inactive ingredient used as diluent contain-  
6 ing cocaine or any salt, isomer or derivative there-  
7 of. As used in this section, "heroin" means any com-  
8 pound, mixture or preparation containing heroin,  
9 diacetylmorphine.

10 Sec. 3. 17-A MRSA §1105, sub-§1, as amended by  
11 PL 1975, c. 740, §102, is repealed and the following  
12 enacted in its place:

13 1. A person is guilty of aggravated trafficking  
14 or furnishing scheduled drugs if:

15 A. In violation of section 1103, 1104 or 1106,  
16 he trafficks with or furnishes to a child, in  
17 fact, under 18 years of age a scheduled drug; or

18 B. He violates section 1103, 1104 or 1106, and,  
19 at the time of the offense, he has been convicted  
20 of any offense under this chapter punishable by a  
21 term of imprisonment of more than one year, or  
22 under any law of the United States or of another  
23 state relating to scheduled drugs, as defined in  
24 this chapter, and punishable by a term of impris-  
25 onment of more than one year. For purposes of  
26 this paragraph, a person shall have been convict-  
27 ed of an offense on the date the judgment of con-  
28 viction was entered by the trial court.

29 Sec. 4. 17-A MRSA §1106, sub-§3, as amended by  
30 PL 1987, c. 164, §3, is amended to read:

31 3. A person shall be presumed to be unlawfully  
32 furnishing a scheduled drug if he intentionally or  
33 knowingly possesses more than 1 1/2 ounces of mari-  
34 juana or 1/2 ounce, 14 grams or more of cocaine or 14  
35 grams or more of heroin.

36 Sec. 5. 17-A MRSA §1106, sub-§4, as enacted by  
37 PL 1987, c. 164, §4, is amended to read:

38 4. As used in this section, "cocaine" shall and  
39 "heroin" have the same meaning as defined meanings as  
40 in section 1103, subsection 4.

1        Sec. 6. 17-A MRSA §1110, as enacted by PL 1975,  
2        c. 499, §1, is repealed and the following enacted in  
3        its place:

4        §1110. Trafficking in or furnishing hypodermic appa-  
5        ratuses

6             1. A person is guilty of trafficking in or fur-  
7             nishing hypodermic apparatuses if he intentionally or  
8             knowingly trafficks in or furnishes a hypodermic ap-  
9             paratus, unless the conduct which constitutes such  
10            trafficking or furnishing is either:

11            A. Expressly authorized by Title 22; or

12            B. Expressly made a civil violation by Title 22.

13            2. Trafficking in hypodermic apparatuses is a  
14            Class C crime. Furnishing hypodermic apparatuses is  
15            a Class D crime.

16                                STATEMENT OF FACT

17            This new draft:

18            1. Creates a presumption of trafficking for a  
19            person intentionally or knowingly possessing 28 grams  
20            or more of heroin;

21            2. Creates a presumption of furnishing for a  
22            person intentionally or knowingly possessing 14 grams  
23            or more of heroin;

24            3. Defines the crime of aggravated trafficking  
25            or furnishing scheduled drugs as:

26            A. Trafficking with or furnishing to a child un-  
27            der 18 years of age; or

28            B. Trafficking or furnishing after having been  
29            previously convicted of a drug felony; and

1           4. Creates a Class D crime classification for  
2 furnishing a hypodermic apparatus.

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