

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1110

H.P. 798

House of Representatives, April 11, 1989

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads 'Ed Pert'.

EDWIN H. PERT, Clerk

Presented by Representative BURKE of Vassalboro.

Cosponsored by Senator BUSTIN of Kennebec, Representative DAGGETT of Augusta and Representative GWADOSKY of Fairfield.

STATE OF MAINE

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

An Act Criminalizing the Unlawful Possession of Class Z Drugs.

(AFTER DEADLINE)



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

3 **17-A MRSA §1107**, as amended by PL 1981, c. 317, §24, is
5 further amended to read:

7 **§1107. Unlawful possession of schedule W, X, Y and Z drugs**

9 1. A person is guilty of unlawful possession of a scheduled
11 drug if he that person intentionally or knowingly possesses what
13 he that person knows or believes to be a scheduled drug, and
15 which is, in fact, a scheduled drug, unless the conduct which
17 constitutes such possession is either:

19 A. Expressly authorized by Title 22; or

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

23 2. Violation of this section is:

25 A. A Class C crime if the drug is heroin
27 (diacetylmorphine);

29 B. A Class D crime if the drug is a schedule W drug other
31 than heroin (diacetylmorphine) or a schedule X drug; or

33 C. A Class E crime if the drug is a schedule Y drug or a
35 schedule Z drug.

37 **STATEMENT OF FACT**

39 This bill includes within the law illegal possession of
41 schedule Z prescription drugs. The bill is aimed at prohibiting
43 the growing occurrence of "designer" combinations of nonnarcotic,
45 low-level prescription drugs. While the present law prohibits
47 the sale or illegal traffic in such drugs, the present language
of section 1107 makes it unclear whether possession of such drugs
is prohibited. It is presently not a crime to possess schedule Z
prescription drugs that are lawfully prescribed, nor would it
become a crime under this bill. The bill does not criminalize
possession of marijuana since the law already excluded marijuana
from the definition of the crime. The bill, however, would fill
a gap presently in the law and criminalize possession of
quantities of unprescribed schedule Z prescription drugs. This
bill is one component of the Attorney General's Drug Enforcement
legislative package.