MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2335

H.P. 1687

House of Representatives, February 20, 1990

Reference to the Committee on Judiciary suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative RICHARDS of Hampden.
Cosponsored by Representative MACOMBER of South Portland, Representative DELLERT of Gardiner and Representative COTE of Auburn.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND NINETY

An Act to Amend the Drug Laws Pertaining to Lysergic Acid Diethylamide.



	Be it	enacted by the People of the State of Maine as follows:
2		Sec. 1. 17-A MRSA §1102, sub-§1, ¶¶K, L and M are enacted to
4	read	
6	فالمراجع والمورا	K. Lysergic acid diethylamide, and its salts, isomers and salts of isomers;
8 - 1		L. Lysergic acid; and
10		M. Lysergic acid amide.
12		
14	740,	Sec. 2. 17-A MRSA §1102, sub-§2, ¶H, as enacted by PL 1975, c. §100, is amended to read:
16		H. Unless listed or described in another schedule, any of
18	•	the following hallucinogenic drugs or their salts, isomers and salts of isomers whenever the existence of such salts,
20		isomers and salts of isomers is possible within the specific chemical designation
22		(1) 3, 4 methylenedioxy amphetamine
24		(2) 5 methoxy 3, 4 methylenedioxy amphetamine
26		(3) 3, 4, 5 trimethoxy amphetamine
28		(4) 4 methyl 2, 5 dimethoxyamphetamine
30		(5) Diethyltryptamine
32		(6) Dimethyltryptamine
34		(7) Dipropyltryptamine
36		(8) 2, - 3 methylenedioxy amphetamine
38		(9) 2, 5 dimethoxyamphetamine
40		(10) 4 bromo 2, 5 dimethoxyamphetamine
42		(11) 4 methoxyamphetamine.
44		Sec. 3. 17-A MRSA §1103, sub-§3, as amended by PL 1989, c.
46	336,	is further amended to read:
48	in s	3. A person shall be presumed to be unlawfully trafficking scheduled drugs if the person intentionally or knowingly
	poss	esses <u>25 dosage units or more of lysergic acid diethylamide,</u>
50	more	than 2 pounds of marijuana, 14 grams or more of cocaine or 4

grams or more of heroin.

··· ₂ 2	Sec. 4. 17-A MRSA §1106, sub-§3, as amended by PL 1989, c. 253 and c. 344, §2 and as repealed and replaced by PL 1989, c. 600,
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6	3. A person shall be presumed to be unlawfully furnishing a scheduled drug if that person intentionally or knowingly
8	possesses 10 dosage units or more of lyseric acid diethylamide more than 1 1/4 ounces of marijuana, 7 grams or more of cocaine
10	or 2 grams or more of heroin.
12	Sec. 5. 17-A MRSA $\S1322$, sub- $\S3$, as amended by PL 1989, c. 188, is further amended by amending the first \P to read:
14	3. Economic loss. "Economic loss" includes economic
16	detriment consisting of <u>environmental clean-up expense</u> , property loss, allowable expense, work loss, replacement services loss
18	and, if injury causes death, dependent's economic loss and dependent's replacement services loss. Noneconomic detriment is
20	not loss. Economic detriment is loss although caused by pain and suffering or physical impairment.
22	Sec. 6. 17-A MRSA §1322, sub-§3, ¶G is enacted to read:
24	G. "Environmental clean-up expense" means any reasonable
26	expense incurred for products and services needed to clean up any harm or damage caused to the environment and to restore the
28	environment to its previous condition prior to any harm or damage caused by chemicals and for the proper disposal of chemicals and
30	other related materials used in the manufacture of scheduled drugs in violation of chapter 45.
32	
34	STATEMENT OF FACT
36	The purpose of this bill is to address the increasing illegal use of lysergic acid diethylamide, or LSD, in Maine.
38	The bill removes LSD from its current classification as a
40	schedule X drug and reclassifies it as a schedule W drug. The reclassification results in greater penalties for drug law
42	violations.
44	The bill creates presumptions that a person knowingly possessing 25 dosage units or more is trafficking in LSD and a
46	person knowingly possessing 10 dosage units or more is furnishing

and regular and define non-discretive logistic love tambération employees exercicles and

manufacture of drugs. The chemicals used in the production or

synthesis of drugs, including LSD, are very harmful to the

The bill creates a new form of restitution for the unlawful

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- environment. The dismantling of an illicit drug lab is therefore very expensive because of the necessity of disposing of the chemicals properly. This bill amends the definition of "economic
- loss" under the restitution statutes to include environmental clean-up expense for damage done by chemicals used in the production of illegal scheduled drugs.

The bill also defines environmental clean-up expense.