

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1727

H.P. 1269

House of Representatives, March 21, 2001

**An Act to Control the Abuse of Designer Club Drugs by Adding Certain
Drugs to the List of Schedule W and Schedule X Drugs.**

(AFTER DEADLINE)

Submitted by the Department of the Attorney General and approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Criminal Justice suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative SCHNEIDER of Durham.

Cosponsored by Senator McALEVEY of York and

Representatives: MAILHOT of Lewiston, POVICH of Ellsworth, QUINT of Portland,
SIMPSON of Auburn, SNOWE-MELLO of Poland, WHEELER of Bridgewater.

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

2
4 **Sec. 1. 17-A MRSA §1102, first ¶**, as enacted by PL 1975, c. 499, §1, is amended to read:

6 For the purposes of defining crimes under this chapter and
8 of determining the penalties therefor, there are hereby
 ~~established~~ established the following schedules, designated W, X,
 Y and Z.

10 **Sec. 2. 17-A MRSA §1102, sub-§1, ¶M**, as amended by PL 1997, c.
12 487, §1, is further amended to read:

14 M. Lysergic acid amide; and

16 **Sec. 3. 17-A MRSA §1102, sub-§1, ¶N**, as enacted by PL 1997, c.
18 487, §2, is amended to read:

20 N. Flunitrazepam or its chemical equivalent; and

22 **Sec. 4. 17-A MRSA §1102, sub-§1, ¶O** is enacted to read:

24 O. Unless listed or described in another schedule, the
26 following hallucinogenic drugs or their salts, isomers and
28 salts of isomers whenever the existence of the salts,
 isomers and salts of isomers is possible within the chemical
 designation:

30 (1) 3, 4 - methylenedioxy amphetamine, MDA;

32 (2) 5 methoxy - 3, 4 methylenedioxy amphetamine, MDMA;

34 (3) 3, 4, 5 - trimethoxy amphetamine, TMA;

36 (4) 4 - methyl - 2, 5 - dimethoxyamphetamine, DOM;

38 (5) 2, - 3 methylenedioxyamphetamine;

40 (6) 2, 5 - dimethoxyamphetamine, DMA;

42 (7) 4 - bromo - 2, 5 - dimethoxyamphetamine, DOB;

44 (8) 4 methoxyamphetamine;

46 (9) 3, 4 - methylenedioxy methamphetamine, MDMA;

48 (10) 4 - bromo - 2, 5 - dimethoxyphenethylamine, NEXUS;

50 (11) 3, 4 - methylenedioxy-N-ethylamphetamine, MDE;

(12) Paramethoxymethamphetamine, PMMA;

(13) Paramethoxyamphetamine, PMA; and

(14) Paramethoxyethylamphetamine, PMEA.

Sec. 5. 17-A MRSA §1102, sub-§2, ¶H, as amended by PL 1989, c. 924, §4, is further amended to read:

H. Unless listed or described in another schedule, any of the following hallucinogenic drugs or their salts, isomers and salts of isomers whenever the existence of such the salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) ~~--3,4---methylenedioxy-amphetamine;~~

(2) ~~--5---methoxy---3,4---methylenedioxy-amphetamine;~~

(3) ~~--3,4,5---trimethoxy-amphetamine;~~

(4) ~~--4---methyl---2,5---dimethoxyamphetamine;~~

(5) Diethyltryptamine, DET;

(6) Dimethyltryptamine, DMT;

(7) Dipropyltryptamine, DPT; and

(8) ~~--2,---3-methylenedioxy-amphetamine;~~

(9) ~~--2,5---dimethoxyamphetamine;~~

(10) ~~--4---bromo---2,5---dimethoxyamphetamine; and~~

(11) ~~--4---methoxyamphetamine; and~~

(12) Alpha-ethyltryptamine, AET.

Sec. 6. 17-A MRSA §1102, sub-§2, ¶K, as enacted by PL 1977, c. 649, §4, is amended to read:

K. Diethylpropion or its salts;

Sec. 7. 17-A MRSA §1102, sub-§2, ¶¶L, M and N are enacted to read:

L. Gamma hydroxybutyrate, GHB, and its salts, isomers and salts of isomers;

2 M. Ketamine and its salts, isomers and salts of isomers; and

4 N. The following substances, if intended for human
ingestion:

6 (1) Gamma butyrolactone, GBL, and its salts, isomers
and salts of isomers; or

8 (2) One, 4-butanediol, BD, and its salts, isomers and
10 salts of isomers.

12 **Sec. 8. 17-A MRSA §1103, sub-§3, ¶D,** as amended by PL 1999, c.
14 422, §2, is further amended to read:

16 D. Lysergic acid diethylamide in any of the following
quantities, states or concentrations:

18 (1) Any compound, mixture, substance or solution in a
20 liquid state that contains a detectable quantity of
lysergic acid diethylamide;

22 (2) Fifty or more squares, stamps, tablets or units of
24 any compound, mixture or substance containing a
detectable quantity of lysergic acid diethylamide; or

26 (3) Any quantity of any compound, mixture or substance
28 that, in the aggregate, contains 2,500 micrograms or
more of lysergic acid diethylamide; or

30 **Sec. 9. 17-A MRSA §1103, sub-§3, ¶E,** as enacted by PL 1999, c.
32 422, §3, is amended to read:

34 E. Fourteen grams or more of methamphetamine; or

36 **Sec. 10. 17-A MRSA §1103, sub-§3, ¶F** is enacted to read:

38 F. Thirty or more pills, capsules, tablets or units
containing 3, 4 - methylenedioxymethamphetamine, MDMA, or
40 any other drug listed in section 1102, subsection 1,
paragraph O.

42 **Sec. 11. 17-A MRSA §1105, sub-§1, ¶¶H and I,** as enacted by PL
44 1999, c. 531, Pt. I, §5, are amended to read:

46 H. A person violates section 1103 or 1106 and, at the time
of the offense, the person trafficks in or furnishes
48 methamphetamine in a quantity of 100 grams or more; or

50 I. A person violates section 1103 or 1106 and, at the time
of the offense, the person trafficks in or furnishes heroin

2 in a quantity of 6 grams or more or 270 or more individual
bags, folds, packages, envelopes or containers of any kind
containing heroin; or

4
6 **Sec. 12. 17-A MRSA §1105, sub-§1, ¶J** is enacted to read:

8 J. A person violates section 1103 or 1106 and, at the time
of the offense, the person trafficks in or furnishes a
10 quantity of 300 or more pills, capsules, tablets or units
12 containing 3, 4 - methylenedioxymethamphetamine, MDMA, or
any other drug listed in section 1102, subsection 1,
paragraph O.

14 **Sec. 13. 17-A MRSA §1106, sub-§3, ¶D**, as amended by PL 1999,
c. 422, §8, is further amended to read:

16 D. Lysergic acid diethylamide in any of the following
18 quantities or concentrations:

20 (1) Not less than 25 squares, stamps, tablets or units
of any compound, mixture or substance containing a
22 detectable quantity of lysergic acid diethylamide; or

24 (2) Any quantity of any compound, mixture or substance
that, in the aggregate, contains not less than 1,250
26 micrograms of lysergic acid diethylamide; or

28 **Sec. 14. 17-A MRSA §1106, sub-§3, ¶E**, as enacted by PL 1999,
c. 422, §9, is amended to read:

30 E. Seven grams or more of methamphetamine; or

32 **Sec. 15. 17-A MRSA §1106, sub-§3, ¶F** is enacted to read:

34 F. Fifteen or more pills, capsules, tablets or units
36 containing 3, 4 - methylenedioxymethamphetamine, MDMA, or
38 any other drug listed in section 1102, subsection 1,
paragraph O.

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42 **SUMMARY**

44 This bill adds the newly popular hallucinogenic "club" or
"rave" drug ecstasy, 3, 4 - methylenedioxymethamphetamine, MDMA,
46 and its close chemical relatives for the purposes of criminal
enforcement: 4 - bromo - 2, 5 - dimethoxyphenethylamine, NEXUS;
48 3, 4 - methylenedioxy-N-ethylamphetamine, MDE;
paramethoxymethamphetamine, PMMA; paramethoxyamphetamine, PMA;
50 and paramethoxyethylamphetamine, PME A to the list of schedule W

2 drugs. None of these drugs have been previously scheduled in the
3 State, but all are schedule I drugs under the federal Controlled
4 Substances Act. The bill also moves other close chemical
5 relatives of MDMA, which have been listed as schedule X drugs
6 under state law since 1989, to schedule W, whereby increasing
7 potential penalties for trafficking or furnishing the drugs. The
8 bill adds 3 other newly popular drugs to the list of schedule X
9 drugs: gamma hydroxybutyrate, GHB; Ketamine; and
10 alpha-ethyltryptamine, AET. The bill also sets the number of
11 pills containing MDMA and related drugs that results in a
12 permissible inference at trial of intent to furnish and
13 traffick. The bill also creates a charge of aggravated
14 trafficking and furnishing MDMA and similar drugs based on
15 trafficking or furnishing 300 or more pills. This bill results
16 in possession of MDMA, GHB or Ketamine being a Class D
17 misdemeanor offense. Trafficking in MDMA is a Class B felony
18 offense. Trafficking in GHB or Ketamine is a Class C felony
19 offense. Aggravated furnishing MDMA is a Class B felony offense
20 with a mandatory minimum 2-year sentence. Aggravated trafficking
21 in MDMA is a Class A felony with a mandatory minimum 4-year
22 sentence.