

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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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)

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

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

10       **Sec. 2. 17-A MRSA §1102, sub-§1, ¶M**, as amended by PL 1997, c.  
11 487, §1, is further amended to read:

12       M. Lysergic acid amide; and

13       **Sec. 3. 17-A MRSA §1102, sub-§1, ¶N**, as enacted by PL 1997, c.  
14 487, §2, is amended to read:

15       N. Flunitrazepam or its chemical equivalent; and

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

17       O. Unless listed or described in another schedule, the  
18 following hallucinogenic drugs or their salts, isomers and  
19 salts of isomers whenever the existence of the salts,  
20 isomers and salts of isomers is possible within the chemical  
21 designation:

22               (1) 3, 4 - methylenedioxy amphetamine, MDA;

23               (2) 5 methoxy - 3, 4 methylenedioxy amphetamine, MDMA;

24               (3) 3, 4, 5 - trimethoxy amphetamine, TMA;

25               (4) 4 - methyl - 2, 5 - dimethoxyamphetamine, DOM;

26               (5) 2, - 3 methylenedioxyamphetamine;

27               (6) 2, 5 - dimethoxyamphetamine, DMA;

28               (7) 4 - bromo - 2, 5 - dimethoxyamphetamine, DOB;

29               (8) 4 methoxyamphetamine;

30               (9) 3, 4 - methylenedioxy methamphetamine, MDMA;

31               (10) 4 - bromo - 2, 5 - dimethoxyphenethylamine, NEXUS;

32               (11) 3, 4 - methylenedioxy-N-ethylamphetamine, MDE;

(12) Paramethoxymethamphetamine, PMMA;

(13) Paramethoxyamphetamine, PMA; and

(14) Paramethoxyethylamphetamine, PME.A.

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

6 J. A person violates section 1103 or 1106 and, at the time  
8 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.

## 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.