

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 941

H.P. 698

House of Representatives, February 25, 2003

**An Act To Strengthen the Criminal Laws by Expanding the
Definition of Trafficking and Furnishing Prescription Narcotic
Drugs To Include Illegal Possession of a Large Number of Pills**

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BUNKER of Kossuth Township.
Cosponsored by Senator CARPENTER of York and
Representatives: BLANCHETTE of Bangor, GREELEY of Levant, GROSE of Woolwich,
MAIETTA of South Portland.

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

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48
50

Sec. 1. 17-A MRSA §1101, sub-§17, ¶D, as amended by PL 1999, c. 453, §2, is further amended to read:

D. To possess with the intent to do any act mentioned in paragraph C; ~~or~~

Sec. 2. 17-A MRSA §1101, sub-§17, ¶E, as enacted by PL 1999, c. 453, §3, is amended to read:

E. To possess 2 grams or more of heroin or 90 or more individual bags, folds, packages, envelopes or containers of any kind containing heroin; or

Sec. 3. 17-A MRSA §1101, sub-§17, ¶F is enacted to read:

F. To possess 90 or more pills, capsules, tablets, vials, ampules, syringes or units containing any narcotic drug other than heroin.

Sec. 4. 17-A MRSA §1101, sub-§18, ¶B, as amended by PL 1999, c. 453, §4, is further amended to read:

B. To possess with the intent to do any act mentioned in paragraph A; ~~or~~

Sec. 5. 17-A MRSA §1101, sub-§18, ¶C, as enacted by PL 1999, c. 453, §5, is amended to read:

C. To possess at least one gram but less than 2 grams of heroin or at least 45 but fewer than 90 individual bags, folds, packages, envelopes or containers of any kind containing heroin; or

Sec. 6. 17-A MRSA §1101, sub-§18, ¶D is enacted to read:

D. To possess at least 45 but fewer than 90 pills, capsules, tablets, vials, ampules, syringes or units containing any narcotic drug other than heroin.

SUMMARY

This bill brings the treatment of illegally possessed prescription narcotic pills, an increasing substance abuse threat in the State, into conformity with the treatment of heroin under the Maine Criminal Code. It does so by expanding the definition of "trafficking" to include the possession of 90 or more pills or other units of narcotic prescription drugs with no further proof

2 of intent needed. Likewise, the definition of "furnishing" is
3 amended to include the possession of at least 45 but fewer than
4 90 pills or other units of narcotic prescription drugs with no
5 further proof of intent required. The bill does not change
6 current law that provides that possession of any amount of
7 narcotic prescription pills with the intent to do any act in the
8 Maine Revised Statutes, Title 17-A, section 1101, subsection 17,
9 paragraph C continues to also be "trafficking"; and possession of
10 any amount of narcotic prescription pills with the intent to do
11 any act in Title 17-A, section 1101, subsection 18, paragraph A
12 continues to also be "furnishing."