

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2007

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Legislative Document

No. 720

H.P. 541

House of Representatives, February 13, 2007

### An Act To Clarify What Constitutes a Schedule W Drug

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative PERRY of Calais.  
Cosponsored by Representatives: GROSE of Woolwich, McFADDEN of Dennysville,  
MILLER of Somerville.

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

2         **Sec. 1. 17-A MRSA §1102, sub-§1, ¶I**, as amended by PL 2001, c. 419, §3, is  
3     repealed and the following enacted in its place:

4         **I.**     **Unless listed or described in another schedule, any compound, mixture or**  
5         **preparation containing narcotic drugs, including, but not limited to, the following**  
6         **narcotic drugs or their salts, isomers or salts of isomers: heroin (diacetylmorphine),**  
7         **methadone, methadone hydrochloride, levo-alpha-acetyl-methadol, or LAAM,**  
8         **pethidine, morphine, oxycodone, hydrocodone, hydromorphone, fentanyl and opium;**

9         **Sec. 2. 17-A MRSA §1107-A, sub-§1, ¶B**, as amended by PL 2005, c. 442, §1,  
10     is further amended to read:

11         **B.**     A schedule W drug that is contains:

- 12             (1) Heroin (diacetylmorphine);
- 13             (2) Cocaine in the form of cocaine base and at the time of the offense the person  
14             has been convicted of any offense under this chapter or under any law of the  
15             United States, another state or a foreign country relating to scheduled drugs, as  
16             defined in this chapter. For the purposes of this paragraph, a person has been  
17             convicted of an offense on the date the judgment of conviction was entered by the  
18             court;
- 19             (3) Methamphetamine;
- 20             (4) Oxycodone;
- 21             (5) Hydrocodone; or
- 22             (6) Hydromorphone.

23     Violation of this paragraph is a Class C crime;

24   **SUMMARY**

25     This bill clarifies current drug law by specifying that a compound, mixture or  
26     preparation that contains a narcotic drug is considered a narcotic drug for purposes of  
27     classification as a Schedule W drug and determining the class of crime for possession of  
28     that drug, either in its pure form or as a compound, mixture or preparation.