

# MAINE STATE LEGISLATURE

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# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 113

S.P. 46

In Senate, January 22, 2015

### An Act To Reduce the Penalties for Certain Drug Offenses

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Secretary of the Senate

Presented by Senator KATZ of Kennebec.  
Cosponsored by Representative DION of Portland and  
Senators: BRAKEY of Androscoggin, HILL of York, VOLK of Cumberland, Representative:  
BLACK of Wilton.

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

2 **Sec. 1. 17-A MRSA §1101, sub-§17**, as amended by PL 1999, c. 374, §1 and c.  
3 453, §§1 to 3, is further amended to read:

4 **17.** "Traffick":

5 A. To make, create, manufacture;

6 B. To grow or cultivate, except for marijuana;

7 C. To sell, barter, trade, exchange or otherwise furnish for consideration; or

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

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

11 **Sec. 2. 17-A MRSA §1101, sub-§18**, as amended by PL 1999, c. 453, §§4 and 5,  
12 is further amended to read:

13 **18.** "Furnish:"

14 A. To furnish, give, dispense, administer, prescribe, deliver or otherwise transfer to  
15 another; or

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

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

20 **Sec. 3. 17-A MRSA §1103, sub-§1-A, ¶¶A and B**, as enacted by PL 2001, c.  
21 383, §115 and affected by §156, are amended to read:

22 A. A schedule W drug. Violation of this paragraph is a Class ~~B~~ C crime;

23 B. A schedule X drug. Violation of this paragraph is a Class ~~C~~ D crime;

24 **Sec. 4. 17-A MRSA §1103, sub-§3**, as amended by PL 2001, c. 383, §117 and  
25 affected by §156 and amended by c. 419, §§11 to 13, is repealed.

26 **Sec. 5. 17-A MRSA §1106, sub-§1-A, ¶A**, as enacted by PL 2001, c. 383, §121  
27 and affected by §156, is amended to read:

28 A. A schedule W drug. Violation of this paragraph is a Class ~~C~~ D crime;

29 **Sec. 6. 17-A MRSA §1106, sub-§3**, as amended by PL 2009, c. 67, §1, is  
30 repealed.

31 **Sec. 7. 17-A MRSA §1107-A, sub-§1, ¶A**, as enacted by PL 2001, c. 383, §127  
32 and affected by §156, is repealed.

