

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)

smg

L.D. 1554

Date: 4-12-16

(Filing No. H-664)

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
127TH LEGISLATURE
SECOND REGULAR SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "B" to S.P. 609,
L.D. 1554, Bill, "An Act To Resolve Inconsistencies in the Drug Laws"

Amend the amendment by striking out all of section 1 and inserting the following:

Sec. 1. 17-A MRSA §1101, sub-§18, ¶C, as amended by PL 2015, c. 346, §2, is further amended to read:

C. To possess ~~at least one gram~~ more than 200 milligrams 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. 2. 17-A MRSA §1101, sub-§18, ¶D, as enacted by PL 2015, c. 346, §2, is amended to read:

D. To possess ~~at least one gram~~ more than 200 milligrams but less than 2 grams of fentanyl powder or at least 45 but fewer than 90 individual bags, folds, packages, envelopes or containers of any kind containing fentanyl powder.

Sec. 3. 17-A MRSA §1106, sub-§3, ¶B, as amended by PL 1999, c. 531, Pt. I, §6, is further amended to read:

B. ~~Seven~~ More than 2 grams ~~or more~~ of cocaine or 2 grams or more of cocaine in the form of cocaine base;

Sec. 4. 17-A MRSA §1106, sub-§3, ¶E, as amended by PL 2001, c. 419, §17, is further amended to read:

E. ~~Seven grams or more~~ More than 200 milligrams of methamphetamine;

Sec. 5. 17-A MRSA §1106, sub-§3, ¶¶F and G, as enacted by PL 2001, c. 419, §18, are amended to read:

F. ~~Forty five or more~~ Any quantity of pills, capsules, tablets, vials, ampules, syringes or units containing any narcotic drug other than heroin that, in the aggregate, contains more than 200 milligrams of the narcotic drug;

G. Any quantity of pills, capsules, tablets, units, compounds, mixtures or substances that, in the aggregate, contains ~~not less than 400~~ more than 200 milligrams of hydromorphone; or ~~not less than 50~~ more than 200 milligrams of hydromorphone; or

HOUSE AMENDMENT

1 **Sec. 6. 17-A MRSA §1107-A, sub-§1, ¶B**, as amended by PL 2015, c. 308, §2
2 and c. 346, §6, is repealed and the following enacted in its place:

3 B. Except as provided in paragraph B-1, a schedule W drug and the drug contains:

4 (1) Heroin (diacetylmorphine) and the amount possessed is more than 200
5 milligrams;

6 (2) Cocaine and the amount possessed is more than 2 grams;

7 (3) Cocaine in the form of cocaine base and the amount possessed is more than 2
8 grams;

9 (4) Oxycodone and the amount possessed is more than 200 milligrams;

10 (5) Hydrocodone and the amount possessed is more than 200 milligrams;

11 (6) Hydromorphone and the amount possessed is more than 200 milligrams;

12 (7) Methamphetamine and the amount possessed is more than 200 milligrams; or

13 (8) Fentanyl powder and the amount possessed is more than 200 milligrams.

14 Violation of this paragraph is a Class C crime;

15 **Sec. 7. 17-A MRSA §1107-A, sub-§1, ¶B-1** is enacted to read:

16 B-1. A schedule W drug and that drug contains any of the following and at the time
17 of the offense the person had one or more convictions for violating section 1103,
18 1105-A, 1105-C, 1105-E, 1106 or section 1124 or for engaging in substantially
19 similar conduct in another jurisdiction:

20 (1) Heroin (diacetylmorphine);

21 (2) Cocaine;

22 (3) Cocaine in the form of cocaine base;

23 (4) Oxycodone;

24 (5) Hydrocodone;

25 (6) Hydromorphone;

26 (7) Methamphetamine; or

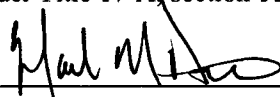
27 (8) Fentanyl powder.

28 Violation of this paragraph is a Class C crime;

29 **Sec. 8. 17-A MRSA §1107-A, sub-§1, ¶C**, as enacted by PL 2001, c. 383, §127
30 and affected by §156, is amended to read:

31 C. A schedule W drug, except as provided in paragraphs A ~~and~~ B and B-1.
32 Violation of this paragraph is a Class D crime;

1 This amendment also amends the law on affirmative defenses to charges of
2 possession of schedule W prescription drugs to reflect the changes made by this Act and
3 amends the law on deferred disposition under Title 17-A, section 1348-A to affirmatively
4 state that deferred disposition is a preferred disposition in a prosecution for possession of
5 schedule W drugs under Title 17-A, section 1107-A, subsection 1, paragraphs B and B-1.

6 **SPONSORED BY:** 

7 **(Representative DION)**

8 **TOWN: Portland**