

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)

Report B

SA
ROS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33

L.D. 1675

Date: 6-15-21

(Filing No. H-628)

REPORT B

CRIMINAL JUSTICE AND PUBLIC SAFETY

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

STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "B" to H.P. 1246, L.D. 1675, "An Act To Amend Certain Provisions of Maine's Drug Laws"

Amend the bill by striking out all of section 3 and inserting the following:

'Sec. 3. 17-A MRSA §1103, sub-§3, as amended by PL 2015, c. 346, §4, is further amended to read:

3. Proof that the person intentionally or knowingly possesses any scheduled drug that is in fact of a quantity, state or concentration as provided in this subsection, gives rise to a permissible inference under the Maine Rules of Evidence, Rule 303 that the person is unlawfully trafficking in scheduled drugs:

- A. More than one pound of marijuana;
- B. Fourteen grams or more of cocaine ~~or 4 grams or more of cocaine in the form of cocaine base;~~
- C-1. Two grams or more of heroin;
- C-2. Two grams or more of fentanyl powder;
- D. Lysergic acid diethylamide in any of the following quantities, states or concentrations:
 - (1) Any compound, mixture, substance or solution in a liquid state that contains a detectable quantity of lysergic acid diethylamide;
 - (2) Fifty or more squares, stamps, tablets or units of any compound, mixture or substance containing a detectable quantity of lysergic acid diethylamide; or
 - (3) Any quantity of any compound, mixture or substance that, in the aggregate, contains 2,500 micrograms or more of lysergic acid diethylamide;
- E. Fourteen grams or more of methamphetamine;
- F. Ninety or more pills, capsules, tablets, vials, ampules, syringes or units containing any narcotic drug other than heroin;

COMMITTEE AMENDMENT

- 1 G. Any quantity of pills, capsules, tablets, units, compounds, mixtures or substances
- 2 that, in the aggregate, contains 800 milligrams or more of oxycodone or 100 milligrams
- 3 or more of hydromorphone; or
- 4 H. Fourteen grams or more of or 30 or more pills, capsules, tablets or units containing
- 5 3, 4 - methylenedioxymethamphetamine, MDMA, or any other drug listed in section
- 6 1102, subsection 1, paragraph O or P.'
- 7 Amend the bill by inserting after section 5 the following:
- 8 **'Sec. 6. 17-A MRSA §1106, sub-§3**, as amended by PL 2015, c. 496, §§3 to 5, is
- 9 further amended to read:
- 10 **3.** Proof that the person intentionally or knowingly possesses a scheduled drug that is
- 11 in fact of a quantity, state or concentration as provided in this subsection, gives rise to a
- 12 permissible inference under the Maine Rules of Evidence, Rule 303 that the person is
- 13 unlawfully furnishing that scheduled drug:
- 14 A. More than 2 1/2 ounces of marijuana;
- 15 B. More than 2 grams of cocaine ~~or 2 grams or more of cocaine in the form of cocaine~~
- 16 ~~base;~~
- 17 C-1. Two grams or more of heroin;
- 18 C-2. Two grams or more of fentanyl powder;
- 19 D. Lysergic acid diethylamide in any of the following quantities or concentrations:
- 20 (1) Not less than 25 squares, stamps, tablets or units of any compound, mixture or
- 21 substance containing a detectable quantity of lysergic acid diethylamide; or
- 22 (2) Any quantity of any compound, mixture or substance that, in the aggregate,
- 23 contains not less than 1,250 micrograms of lysergic acid diethylamide;
- 24 E. More than 200 milligrams of methamphetamine;
- 25 F. Any quantity of pills, capsules, tablets, vials, ampules, syringes or units containing
- 26 any narcotic drug other than heroin that, in the aggregate, contains more than 200
- 27 milligrams of the narcotic drug;
- 28 G. Any quantity of pills, capsules, tablets, units, compounds, mixtures or substances
- 29 that, in the aggregate, contains more than 200 milligrams of oxycodone or more than
- 30 200 milligrams of hydromorphone; or
- 31 H. Fifteen or more pills, capsules, tablets or units containing 3, 4 -
- 32 methylenedioxymethamphetamine, MDMA, or any other drug listed in section 1102,
- 33 subsection 1, paragraph O.'
- 34 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
- 35 number to read consecutively.

SUMMARY

36 This amendment is the minority report of the committee. This amendment creates a
 37 permissible inference of trafficking in drugs when a person possesses 2 grams or more of
 38 heroin or fentanyl powder. The amendment creates a permissible inference of furnishing
 39 drugs when a person possesses 2 grams or more of heroin or fentanyl powder. The
 40

ROS

COMMITTEE AMENDMENT "B" to H.P. 1246, L.D. 1675

1 amendment removes references to cocaine base in the laws governing permissible inference
2 of drug trafficking and drug furnishing.

3 **FISCAL NOTE REQUIRED**
4 **(See attached)**



130th MAINE LEGISLATURE

LD 1675

LR 1817(03)

An Act To Amend Certain Provisions of Maine's Drug Laws

Fiscal Note for Bill as Amended by Committee Amendment *BCH-628*

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

Fiscal Note

No net fiscal impact

Fiscal Detail and Notes

The bill removes from the definitions of traffick and furnish the specific weights and amounts of certain drugs that a person possesses and also modifies crimes relating to unlawful trafficking in scheduled drugs and unlawful furnishing of scheduled drugs. These changes may have the affect of increasing the incidence of certain crimes and decreasing the incidence of other crimes. On balance, the modifications made in this bill are expected to have no net fiscal impact on the Department of Corrections or the judicial branch.