

# MAINE STATE LEGISLATURE

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# 130th MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2021

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Legislative Document

No. 1675

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H.P. 1246

House of Representatives, May 5, 2021

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

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Received by the Clerk of the House on May 3, 2021. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative TALBOT ROSS of Portland.  
Cosponsored by Senator HICKMAN of Kennebec and  
Representatives: CARDONE of Bangor, O'NEIL of Saco, PLUECKER of Warren, SHEEHAN  
of Biddeford, WARREN of Hallowell, WILLIAMS of Bar Harbor, Senator: CLAXTON of  
Androscoggin.

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 2015, c. 346, §1, is further  
3 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;

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

11 ~~F. To possess 2 grams or more of fentanyl powder or 90 or more individual bags, folds,~~  
12 ~~packages, envelopes or containers of any kind containing fentanyl powder.~~

13 **Sec. 2. 17-A MRSA §1101, sub-§18**, as amended by PL 2015, c. 496, §§1 and 2,  
14 is further amended to read:

15 **18. "Furnish":**

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

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

19 ~~C. To possess more than 200 milligrams but less than 2 grams of heroin or at least 45~~  
20 ~~but fewer than 90 individual bags, folds, packages, envelopes or containers of any kind~~  
21 ~~containing heroin; or~~

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

25 **Sec. 3. 17-A MRSA §1103, sub-§3, ¶B**, as amended by PL 1999, c. 790, Pt. A,  
26 §19, is further amended to read:

27 B. Fourteen grams or more of cocaine ~~or 4 grams or more of cocaine in the form of~~  
28 ~~cocaine base;~~

29 **Sec. 4. 17-A MRSA §1105-A, sub-§1, ¶D**, as enacted by PL 2001, c. 383, §119  
30 and affected by §156, is amended to read:

31 D. At the time of the offense, the person trafficks in cocaine in a quantity of 112 grams  
32 or more ~~or cocaine in the form of cocaine base in a quantity of 32 grams or more.~~  
33 Violation of this paragraph is a Class A crime;

34 **Sec. 5. 17-A MRSA §1105-C, sub-§1, ¶D**, as enacted by PL 2001, c. 383, §119  
35 and affected by §156, is amended to read:

36 D. At the time of the offense, the person furnishes cocaine in a quantity of 112 grams  
37 or more ~~or cocaine in the form of cocaine base in a quantity of 32 grams or more.~~  
38 Violation of this paragraph is a Class B crime;

**SUMMARY**

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This bill removes from the definitions of "traffick" and "furnish" the specific weights and amounts of certain drugs that a person possesses. This bill removes references to cocaine base in provisions governing permissible inference of drug trafficking, aggravated drug trafficking and aggravated drug furnishing.