

# MAINE STATE LEGISLATURE

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SAR  
ROS

L D 986

Date 6/14/23

(Filing No S-313)

REPORT B

CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE

SENATE

131ST LEGISLATURE

FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S P 405, L D 986, "An Act to Ensure Safer Communities by Increasing the Punishment for Crimes Involving Fentanyl"

Amend the bill by striking out everything after the enacting clause and inserting the following

'Sec. 1. 17-A MRS A §1103-A is enacted to read

**§1103-A. Unlawful use of electronic communication device in furtherance of fentanyl trafficking**

1. A person is guilty of unlawful use of an electronic communication device in furtherance of fentanyl trafficking if that person intentionally or knowingly uses an electronic communication device in the furtherance of trafficking in a scheduled drug that is or contains a detectable quantity of W-18, W-15, carfentanyl, sufentanyl, fentanyl powder, and any derivative of fentanyl powder by any substitution on or replacement of the phenethyl group, any substitution on the piperidine ring, any substitution on or replacement of the propenamide group, any substitution on the phenyl group or any combination thereof, including, but not limited to, despropionyl fentanyl, furanylfentanyl, fluorofentanyl, 4-fluoroisobutyryl fentanyl, acetylfentanyl and any methylfentanyl derivatives. Violation of this subsection is a Class B crime.

2. As used in this section, "electronic communication device" means an electronic device, including, but not limited to, a telephone, wireless telephone, personal digital assistant or portable or mobile computer. "Electronic communication device" includes landline telephones.

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively

**COMMITTEE AMENDMENT**

ROS

COMMITTEE AMENDMENT "A" to S P 405, L D 986 (S-313)

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**SUMMARY**

This amendment, which is one of 2 minority reports of the committee, strikes provisions of the bill that increase the penalty for trafficking fentanyl and other scheduled drugs containing a detectable amount of fentanyl from a Class B crime to a Class A crime

**FISCAL NOTE REQUIRED**

(See attached)



# 131st MAINE LEGISLATURE

LD 986

LR 1629(02)

**An Act to Ensure Safer Communities by Increasing the Punishment for Crimes Involving Fentanyl**

**Fiscal Note for Bill as Amended by Committee Amendment "A" (S. 313)**  
**Committee: Criminal Justice and Public Safety**  
**Fiscal Note Required: Yes**

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## Fiscal Note

Current biennium cost increase - General Fund  
Minor revenue increase - General Fund  
Minor revenue increase - Other Special Revenue Funds

### Operational and Judicial Impact Statements

Establishes a new Class B crime of unlawful use of an electronic communication device in furtherance of fentanyl trafficking. The current average cost of incarcerating one individual for a single year is \$55,203.

The additional workload associated with the minimal number of new felony cases filed in the court system does not require additional funding at this time.

The collection of additional fines will increase General Fund or other dedicated revenue by minor amounts.

### Fiscal Detail and Notes

Any additional costs to the Office of the Attorney General associated with the provisions of the bill are expected to be minor and can be absorbed within existing budgeted resources.