

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 electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

FIRST REGULAR SESSION
December 2, 2020 to March 30, 2021

FIRST SPECIAL SESSION
April 28, 2021 to July 19, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
OCTOBER 18, 2021

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2021

2. Requirements for direct testimony outside the presence of the defendant. Direct testimony of a child outside the presence of the defendant under subsection 1 must meet the following requirements:

A. The testimony must be conducted by way of 2-way closed-circuit television or other audiovisual electronic means;

B. The testimony must occur at a recognized children's advocacy center with only a victim or witness advocate present in the room in which the child is testifying;

C. The opportunity for real-time cross-examination of the child must be provided to the defendant's attorney after the child's direct testimony; and

D. The defendant must be able to observe the testimony of the child while the child is testifying and must be able to communicate with the defendant's attorney while the child is testifying.

3. Exception. This section does not apply if the defendant is an attorney pro se or if the positive identification of the defendant is required.

See title page for effective date.

CHAPTER 396

H.P. 1246 - L.D. 1675

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

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

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

17. "Traffick":

A. To make, create, manufacture;

B. To grow or cultivate, except for marijuana;

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

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

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

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

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

18. "Furnish":

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

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

~~C. To possess 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~~

~~D. To possess 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 §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. Four grams or more of heroin;

C-2. Four 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;

G. Any quantity of pills, capsules, tablets, units, compounds, mixtures or substances that, in the aggregate, contains 800 milligrams or more of oxycodone or 100 milligrams or more of hydromorphone; or

H. Fourteen grams or more of or 30 or more pills, capsules, tablets or units containing 3, 4 - methylenedioxymethamphetamine, MDMA, or any other drug listed in section 1102, subsection 1, paragraph O or P.

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

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

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

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

Sec. 6. 17-A MRSA §1106, sub-§3, as amended by PL 2015, c. 496, §§3 to 5, is further amended to read:

3. Proof that the person intentionally or knowingly possesses a 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 furnishing that scheduled drug:

- A. More than 2 1/2 ounces of marijuana;
- B. More than 2 grams of cocaine ~~or 2 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 or concentrations:
 - (1) Not less than 25 squares, stamps, tablets or units of any compound, mixture or substance containing a detectable quantity of lysergic acid diethylamide; or
 - (2) Any quantity of any compound, mixture or substance that, in the aggregate, contains not less than 1,250 micrograms of lysergic acid diethylamide;
- E. More than 200 milligrams of methamphetamine;

F. 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 more than 200 milligrams of oxycodone or more than 200 milligrams of hydromorphone; or

H. Fifteen or more pills, capsules, tablets or units containing 3, 4 - methylenedioxymethamphetamine, MDMA, or any other drug listed in section 1102, subsection 1, paragraph O.

See title page for effective date.

CHAPTER 397

H.P. 1266 - L.D. 1703

An Act To Amend the Bail Code

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

Sec. 1. 15 MRSA §1023, sub-§5, as amended by PL 2009, c. 23, §1, is further amended to read:

5. Fees. A bail commissioner is entitled to receive a fee not to exceed \$60 for the charges pursuant to which the defendant is presently in custody, unless the defendant lacks the present financial ability to pay the fee. A defendant presently in custody who is qualified to be released upon personal recognizance or upon execution of an unsecured appearance bond, whether or not accompanied by one or more conditions of bail that have been set by a judicial officer, but who in fact lacks the present financial ability to pay a bail commissioner fee, must nonetheless be released upon personal recognizance or upon execution of an unsecured appearance bond. A bail commissioner may not refuse to examine a person to determine the person's eligibility for bail, set bail, prepare the personal recognizance or bond or take acknowledgement of the person in custody because the person in custody lacks the present financial ability to pay a bail commissioner fee. The bail commissioner shall submit such forms as the Judicial Department directs to verify the amount of fees received under this subsection. The sheriff of the county in which the defendant is detained may create a fund for the distribution by the sheriff or the sheriff's designee for the payment in whole or in part of the \$60 bail commissioner fee for those defendants who do not have the financial ability to pay that fee.

A bail commissioner fee under this subsection is not a financial condition of release for the purposes of section 1026, subsection 3, paragraph B-1.