

§1103. Unlawful trafficking in scheduled drugs**1.**

[PL 2001, c. 383, §114 (RP); PL 2001, c. 383, §156 (AFF).]

1-A. Except as provided in subsection 1-B, a person is guilty of unlawful trafficking in a scheduled drug if the person intentionally or knowingly trafficks in what the person knows or believes to be a scheduled drug, which is in fact a scheduled drug, and the drug is:

A. A schedule W drug. Violation of this paragraph is a Class B crime; [PL 2001, c. 383, §115 (NEW); PL 2001, c. 383, §156 (AFF).]

B. A schedule X drug. Violation of this paragraph is a Class C crime; [PL 2001, c. 383, §115 (NEW); PL 2001, c. 383, §156 (AFF).]

C. Marijuana in a quantity of 20 pounds or more. Violation of this paragraph is a Class B crime; [PL 2001, c. 383, §115 (NEW); PL 2001, c. 383, §156 (AFF).]

D. Marijuana and the person grows or cultivates 500 or more plants. Violation of this paragraph is a Class B crime; [PL 2001, c. 383, §115 (NEW); PL 2001, c. 383, §156 (AFF).]

E. Marijuana in a quantity of more than one pound. Violation of this paragraph is a Class C crime; [PL 2001, c. 383, §115 (NEW); PL 2001, c. 383, §156 (AFF).]

F. Marijuana and the person grows or cultivates 100 or more plants. Violation of this paragraph is a Class C crime; [PL 2001, c. 383, §115 (NEW); PL 2001, c. 383, §156 (AFF).]

G. A schedule Y drug. Violation of this paragraph is a Class D crime; or [PL 2001, c. 383, §115 (NEW); PL 2001, c. 383, §156 (AFF).]

H. A schedule Z drug. Violation of this paragraph is a Class D crime. [PL 2001, c. 383, §115 (NEW); PL 2001, c. 383, §156 (AFF).]

[PL 2001, c. 383, §115 (NEW); PL 2001, c. 383, §156 (AFF).]

1-B. A person is not guilty of unlawful trafficking in a scheduled drug if the conduct that constitutes the trafficking is either:

A. Expressly authorized by Title 22, Title 28-B or Title 32; or [PL 2017, c. 409, Pt. B, §3 (AMD).]

B. Expressly made a civil violation by Title 22 or Title 28-B. [PL 2017, c. 409, Pt. B, §3 (AMD).]

[PL 2017, c. 409, Pt. B, §3 (AMD).]

2.

[PL 2001, c. 383, §116 (RP); PL 2001, c. 383, §156 (AFF).]

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; [PL 1997, c. 481, §3 (AMD).]

B. Fourteen grams or more of cocaine; [PL 2021, c. 396, §3 (AMD).]

C. [PL 1999, c. 790, Pt. A, §20 (RP).]

C-1. Four grams or more of heroin; [PL 2021, c. 396, §3 (NEW).]

C-2. Four grams or more of fentanyl powder; [PL 2021, c. 396, §3 (NEW).]

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; [PL 2001, c. 419, §11 (AMD).]

E. Fourteen grams or more of methamphetamine; [PL 2001, c. 419, §12 (AMD).]

F. Ninety or more pills, capsules, tablets, vials, ampules, syringes or units containing any narcotic drug other than heroin; [PL 2001, c. 419, §13 (NEW).]

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 [PL 2001, c. 419, §13 (NEW).]

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. [PL 2015, c. 346, §4 (AMD).]

[PL 2021, c. 396, §3 (AMD).]

4.

[PL 1989, c. 344, §3 (RP).]

5.

[PL 1999, c. 442, §1 (RP).]

6. If a person uses a motor vehicle to facilitate the trafficking of a scheduled drug, the court may, in addition to other authorized penalties, suspend the person's driver's license, permit, privilege to operate a motor vehicle or right to apply for or obtain a license for a period not to exceed 5 years. A suspension may not begin until after any period of incarceration is served. If the court suspends a person's driver's license, permit, privilege to operate a motor vehicle or right to apply for or obtain a license, the court shall notify the Secretary of State of the suspension and the court shall take physical custody of the person's license. The Secretary of State may not reinstate the person's driver's license, permit, privilege to operate a motor vehicle or right to apply for or obtain a license unless the person demonstrates that, after having been released and discharged from any period of incarceration that may have been ordered, the person has served the period of suspension ordered by the court.

[PL 1993, c. 674, §2 (NEW).]

7. It is an affirmative defense to prosecution under this section that the substance trafficked in is hemp.

[PL 2019, c. 12, Pt. B, §3 (AMD).]

SECTION HISTORY

PL 1975, c. 499, §1 (NEW). PL 1977, c. 647, §§2,3 (AMD). PL 1979, c. 127, §128 (AMD). PL 1987, c. 164, §§1,2 (AMD). PL 1987, c. 535, §§1,2 (AMD). PL 1989, c. 334, §3 (AMD). PL 1989, c. 336 (AMD). PL 1989, c. 344, §1 (AMD). PL 1989, c. 384, §2 (AMD). PL 1989, c. 850, §§2,3 (AMD). PL 1989, c. 924, §§8,9 (AMD). PL 1991, c. 548, §A10 (AMD). PL 1993, c. 674, §§1,2 (AMD). PL 1995, c. 635, §2 (AMD). PL 1997, c. 481, §§2,3 (AMD). PL 1999, c. 374, §§2,3 (AMD). PL 1999, c. 422, §§1-3 (AMD). PL 1999, c. 442, §1 (AMD). PL 1999, c. 453, §§6,7 (AMD). PL 1999, c. 790, §§A19,20 (AMD). PL 2001, c. 383, §§114-117 (AMD). PL 2001, c. 383, §156 (AFF). PL 2001, c. 419, §§11-13 (AMD). PL 2003, c. 61, §2 (AMD). PL 2015, c.

346, §4 (AMD). PL 2017, c. 409, Pt. B, §3 (AMD). PL 2019, c. 12, Pt. B, §3 (AMD). PL 2021, c. 396, §3 (AMD).

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