



128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1623

S.P. 576

In Senate, May 31, 2017

**An Act To Make a Needed Clarification to the Term "Heroin" as
Used in the Maine Criminal Code**

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator CYRWAY of Kennebec. (GOVERNOR'S BILL)

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

2 **Sec. 1. 17-A MRSA §1102, sub-§1, ¶I,** as amended by PL 2015, c. 492, §1, is
3 further amended to read:

4 I. Unless listed or described in another schedule, any compound, mixture or
5 preparation containing narcotic drugs, including, but not limited to, the following
6 narcotic drugs or their salts, isomers or salts of isomers: heroin (diacetylmorphine),
7 methadone, methadone hydrochloride, levo-alpha-acetyl-methadol, or LAAM,
8 pethidine, morphine, oxycodone, hydrocodone, hydromorphone, buprenorphine,
9 fentanyl, acetylfentanyl and any methylfentanyl derivatives and opium. As used in
10 this chapter, "heroin" means any compound, mixture or preparation containing heroin
11 in any quantity, and the total weight of that compound, mixture or preparation is
12 considered heroin, regardless of the proportion of heroin contained in the compound,
13 mixture or preparation;

14 **SUMMARY**

15 This bill responds to the Law Court decision regarding *State of Maine v. Dale M.*
16 *Pinkham, Sr.*, 2016 ME 59. The bill clarifies that when the term "heroin" is used in the
17 chapter of the Maine Criminal Code regarding drug offenses, that term includes heroin
18 that is mixed with other substances and that the total weight of that compound, mixture or
19 preparation is defined as "heroin."