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P.O. Box 17642
Portland, ME 04112-8642
(207) 523-9869
mainemacdl@gmail.com

April 14, 2023

Senator Anne Beebe-Center, Chair
Representative Suzanne Salisbury
Committee on Criminal Justice & Public Safety
100 State House Station Room 436
Augusta, ME 04330

RE: LD 994 -- An Act to Include Possession of Compounds, Mixtures or
Substances Containing a Detectible Amount of Certain Scheduled Drugs
to Prove the Offense of Unlawful Trafficking of Scheduled Drugs

Dear Senator Beebe-Center, Representative Salisbury, and Members of the Criminal
Justice and Public Safety Committee:

MACDL opposes LD 994.

This bill would allow minute levels of drugs, simply a “detectible” quantity, to act as a presumption that a person is trafficking in those drugs. A person who had in their possession a small amount of non-illegal substances that contained .01 of a gram of an illegal substance would be automatically presumed to be trafficking in that drug. If a person had a teaspoon of baking soda and within that teaspoon there was a fleck of heroin or other substances, the person would be presumed to be trafficking.

This is troubling. The goal of this bill appears to be to make persons who are addicted to drugs more likely to be presumed as traffickers in drugs. That should never be the case. Drug addiction is a terrible affliction, and the Legislature has recognized this in the recent years and worked towards helping those who are addicted as opposed to creating greater punishments. With this bill, people who are addicted to drugs will be presumed to be traffickers in drugs and subjected to massive felony consequences. If the goal here is to lock up drug addicts for what could be decades, then this bill will certainly accomplish that, but that is not something that the Legislature should ever be considering.

Finally, “presumptions” of trafficking are particularly dangerous. A jury would be instructed about these very presumptions, and presumptions are very dangerous and can lead a jury to convict someone for trafficking when they may have only possessed a trace amount of the actual drugs that they possessed.

Thank you for the opportunity to address this bill.

Sincerely,

A handwritten signature in blue ink, appearing to read "Walter F. McKee". The signature is fluid and cursive, with the first name "Walter" being more prominent than the last name "McKee".

Walter F. McKee
Chair, Legislative Committee