

Janet T. Mills
Governor

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Commissioner



Maine Department of Health and Human Services
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March 3, 2025

Senator Carney, Chair
Representative Kuhn, Chair
Members, Joint Standing Committee on Judiciary
100 State House Station
Augusta, ME 04333-0100

Re: LD 340 –*An Act Regarding Speedy Trials*

Senator Carney, Representative Kuhn and members of the Joint Standing Committee on Judiciary, thank you for the opportunity to provide information while you consider LD 340, *An Act Regarding Speedy Trials*.

Maine Center for Disease Control and Prevention- Health and Environmental Testing Laboratory (HETL) Forensic Chemistry Section (FCS) highlights areas of concern regarding the capability of the FCS to consistently meet these shortened trial deadlines, if LD 340 is enacted. The FCS performs testing of evidence submitted by law enforcement agencies needed for criminal investigations and prosecutions of Class A-E crimes. The FCS tests seized material suspected of containing controlled substances and toxicology (blood and urine) samples for drugs/intoxicants for prosecutions of offenses outlined in Titles 17-A and 29-A of the State of Maine statutes. The FCS also manages and oversees certification of the State's Breath Alcohol Program. Testing requirements for chemists in the FCS are outlined in DHHS Rules 10-144, Chapters 266, 267, 269 and 270.

The FCS currently has six chemists assigned to the Toxicology Unit which consists of the following in-house testing programs: Blood Alcohol Testing, Blood Drug Testing, and Urine Drug Testing. Three members of the Toxicology Unit also perform duties to maintain the State's Breath Alcohol Program. The Seized Drug Unit, at present, has two chemists and is actively recruiting for a third chemist, and, per 10-144 CMR, Chapter 266, Certification Standards for Persons Conducting Chemical Analyses for the Detection and Identification of Drugs Rule, these are the only chemists certified to perform testing of seized drug evidence in the State of Maine.

The Seized Drug Unit operates on the Case Activation System, in which prosecutors request testing of seized drug material for upcoming trial purposes. Cases may be activated with weeks or months to spare; however, there are instances where testing is needed for a trial that is to commence in much shorter periods of time. Currently, with only two chemists responsible for testing and testifying as expert witnesses for all seized drug evidence at courts throughout the State, the Seized Drug Unit is experiencing an activated case backlog of greater than four months.

The Toxicology Unit tests all submitted blood and urine evidence from State of Maine law enforcement agencies, constituting approximately 120 cases per month related to a variety of criminal investigations including but not limited to Operating Under the Influence/Driving Under the Influence of Drugs, Sexual Assaults, Child Endangerment, and vehicular-related homicide investigations. Toxicology chemists also testify as expert witnesses in courts throughout the State.

As evidence is submitted and activated for testing daily, case backlogs continuously increase. If this bill were to pass, it is anticipated that testing of even more seized drug and toxicology evidence would be requested upon submission to the FCS by prosecuting agencies, as trial dates would be mandated within the timeframes specified by this bill; this will in turn further increase testing times, analyst workload and overall backlogs. Please bear in mind that testing of evidence typically must be completed well before commencement of any trial in order to provide defense counsel and any applicable defense experts with copies of the Certificate of Analysis Result Reports and other case related discovery materials for their review.

The view of the FCS is that this bill would require an increase in staffing levels for HETL, equipment and other resources from those currently in place to meet discovery/trial timeframes described in LD 340. Additional chemists, supervisory and evidence support personnel are needed to not only address the growing case backlogs, but to assist with the numerous other laboratory duties necessary to maintain the FCS laboratory's operations and accreditation.

Please feel free to contact me if you have any questions during your deliberation of this bill.

Sincerely,

A handwritten signature in blue ink, appearing to read "Puthiery Va", is written above the typed name.

Puthiery Va
Director
Maine Center for Disease Control
Maine Department of Health and Human Services