



**Testimony in Opposition of LD 771:
An Act to Include Possession of Compounds, Mixtures or Substances Containing a Detectable Amount of
Certain Scheduled Drugs to Prove the Offense of Unlawful Trafficking of Scheduled Drugs**

March 18, 2025

Senator Bebee-Center, Representative Hasenfus, and Honorable Members of the Criminal Justice & Public Safety Committee,

My name is Courtney Gary-Allen, and I am the Executive Director of the Maine Recovery Action Project (ME-RAP), a grassroots network of Mainers working on community and public policy based solutions to substance use. I am here to testify in opposition of LD 771 on behalf of our statewide organizing team. LD 771 seeks to amend Maine's Criminal Code to include new definitions for "amphetamine" and "methamphetamine". If these new definitions were adopted, individuals will be convicted and punished for having quantities of drugs that they did not actually possess.

If a person is caught with a substance that contains only a small amount of methamphetamine but weighs over the legal threshold due to fillers, they could face trafficking charges even if they did not intend to distribute the drug. According to Maine law, when a person possesses a certain quantity of methamphetamine, that possession gives rise to the permissible inference of unlawfully trafficking scheduled drugs. A "permissible inference" allows a jury to conclude that a person is guilty of trafficking based solely on the quantity they possess, even if there is no evidence of actual distribution. In other words, an individual does not have to sell or intend to sell drugs to be convicted of trafficking—they only need to possess an amount that meets the legal threshold.

If LD 771 were enacted, this would mean that a person caught with a substance containing only a small percentage of methamphetamine, but mixed with other substances, could face trafficking charges based on the total weight of the mixture rather than the actual amount of the drug itself. This is problematic because of the way the illegal drug trade works, including the practice of "cutting drugs". "Cutting drugs" refers to the practice of mixing or diluting a drug with other substances to increase volume, alter its effects, or make it more profitable. This is common in the illegal drug trade, where people who sell drugs add fillers or other drugs to stretch their supply. Common cutting agents for methamphetamine and amphetamines include caffeine, sugars, or other stimulants.

We do not believe that sending people to prison for a crime they didn't commit is an effective solution to the issue at hand. If our goal is to reduce drug use and create healthier communities, we need to invest in public health responses to substance use, such as increasing funding for treatment and recovery resources.

We respectfully urge this Committee to reject LD 771. Thank you for your time and consideration. I am happy to answer questions.

Sincerely,
Courtney Gary-Allen

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