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March 17, 2025

Senator Anne Beebe-Center, Chair
Representative Tavis Hasenfus, Chair
Committee on Criminal Justice and Public Safety
5 State House Station, Room 436
Augusta, ME 04333

RE: LD 717: An Act to Amend the Maine Criminal Code Governing Restitution to Include the Costs of All Analyses of Suspected Illegal Drugs.

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

MACDL **opposes** LD 717.

Chapter 69 of Title 17-A governs restitution. The expressly defined purposes of restitution include making the victims of crimes whole for economic loss from the “offender” most responsible for the loss and to encourage rehabilitation and accountability of the “offender.” “Offender” is defined as “an individual or an organization convicted of a crime.”

LD 717 removes a requirement that restitution expenses for drug testing are only appropriate in cases when the convicted offender trafficked in drugs and profited from his or her conduct. This existing requirement in Section 2002(3)(B) is consistent with the stated legislative purposes of restitution because people addicted to drugs and convicted of possession offenses are not the most responsible offender. Instead, people convicted of possession and other non-trafficking offenses that did not profit from their offenses are harmed as much—if not more—than society at large by the drug trade.

People addicted to drugs are also unlikely to be able to afford the cost of testing, which is around \$400 or more. Ability to pay is a specific factor under 17-A M.R.S. § 2005(2)(D). LD 717, therefore, will not have any meaningful impact if enacted because courts are extremely unlikely to order restitution in minor possession cases that already carry heavy mandatory minimum fines when the convicted person is indigent and struggling to overcome addiction.

LD 717 is yet another proposed misstep in a long series of missteps in the “war on drugs” that seeks to unnecessarily punish low-level offenders struggling with drug addictions.

For these reasons, MACDL opposes LD 717.

Sincerely,

/s/ Matthew D. Morgan
Matthew D. Morgan, Esq.
MACDL President Elect