

CLAC MEMORANDUM/TESTIMONY IN SUPPORT
LD 1366, An Act to Amend Certain Provisions of the Drug Laws Related to Cocaine Base

TO: Senator Anne Beebe-Center
Representative Tavis Hasenfus
Joint Standing Committee on Criminal Justice and Public Safety

FR: Criminal Law Advisory Commission (CLAC)
c/o laura.yustak@maine.gov

RE: LD 1366, An Act to Amend Certain Provisions of the Drug Laws Related to Cocaine Base

DA: April 14, 2025

The Criminal Law Advisory Commission (CLAC)* respectfully submits the following testimony in support of 1366.

In 2021, the Legislature amended drug statutes to eliminate the disparate treatment of cocaine and cocaine base. P.L. 2021, c. 396 (amending 17-A M.R.S. §§ 1103, 1105-A & 1105-C). When it did so, it neglected to amend other statutes, which retain that distinction. CLAC supports the proposed changes as logically consistent with previous policy decisions made by the Legislature to discontinue the varying treatment of different forms of cocaine.

*CLAC is an advisory body established by the Legislature. 17-A M.R.S. §§ 1351-1357. It consists of 9 members appointed by the Attorney General. Our current members include defense attorneys, prosecutors, Maine Bar Counsel, and a retired practitioner with experience as defense counsel, prosecutor and in court administration. In addition, three sitting judges and one retired practitioner, appointed by the Chief Justice of the Supreme Judicial Court, and, by statute, the Co-Chairs of the Legislature's Committee on Criminal Justice and Public Safety, serve as consultants. The Supreme Judicial Court's Criminal Process Manager serves as liaison from the Court to CLAC. CLAC advises the Legislature on matters relating to crimes in the Criminal Code and in other Titles, the Bail and Juvenile Codes, and with respect to other statutes related to criminal justice processes.