



TESTIMONY OF ALICIA REA, ESQ.
LD 1263 – Ought Not to Pass

**An Act Regarding Penalties for Fentanyl Trafficking When That
Trafficking Results in an Overdose Causing Serious Bodily Injury of a
Person**

Joint Standing Committee on
Criminal Justice and Public Safety

PO Box 7860
Portland, ME 04112

(207) 774-5444
ACLUMaine.org
@ACLUMaine

April 14, 2025

Senator Beebe-Center, Representative Hasenfus, and distinguished members of the Joint Standing Committee on Criminal Justice and Public Safety, greetings. My name is Alicia Rea, and I am a policy fellow for the American Civil Liberties Union of Maine, a statewide organization committed to advancing and preserving civil liberties guaranteed by the Maine and U.S. Constitutions. On behalf of our members, I urge you to oppose LD 1263.

The ACLU of Maine opposes the creation of new crimes and the expansion of Maine's criminal code. All people deserve to live in safe and healthy communities. Adding new crimes fuels over-incarceration, contributes to discriminatory enforcement, and can erode fundamental civil liberties.

Maine should only expand its criminal code when existing laws are insufficient. That is not the case here. Our statutes already classify serious bodily injury to another, caused by a Schedule W drug, as a Class B felony.¹ Fentanyl powder is already categorized as a Schedule W drug.²

LD 1263 proposes a new felony-level crime for aggravated trafficking in a scheduled drug when serious bodily injury of another person results from an overdose, caused by the use of fentanyl powder. This bill seeks to increase the penalty from a Class B felony to a Class A felony, which does not serve as a deterrent.³

¹ 17-A M.R.S. §1105-A (1)(L).

² See 17-A M.R.S. §1102(1)(I).

³ See National Institute of Justice, *Five Things About Deterrence*, May 2016, <https://www.ncjrs.gov/pdffiles1/nij/247350.pdf> (clarifying the lack of relationship between criminal deterrence and sentencing).



The ACLU of Maine is particularly opposed to the creation of felony-level crimes because of the devastating consequences of felony records, which create permanent barriers to employment, education, and housing.

We urge you to oppose LD 1263.