



# MAINE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

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## 2024-2025 OFFICERS

April 14, 2025

*President*  
Jeremy Pratt

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

*President-Elect*  
Matthew D. Morgan

*Vice President*  
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**RE: LD 1263 “An Act Regarding Penalties for Fentanyl Trafficking When That Trafficking Results in an Overdose Causing Serious Bodily Injury of a Person.”**

## 2024-2025 DIRECTORS

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

Jesse James Archer  
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Jennifer Rohde  
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John Steed  
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Lisa Whittier

MACDL **opposes** LD 1263.

LD 1263 is another unnecessary letter in the alphabet soup of felony drug crimes found in section 1105-A of Title 17-A. Section 1105-A contains multiple felony Class A offense for fentanyl trafficking. It is a Class A crime to trafficking in fentanyl when done with a child under 18, with a prior conviction for any class of felony drug offense, while possessing a firearm, within 1000 feet of a school zone, with the assistance of a child under 18 years of age, when death results, and anytime the person trafficks in 6 grams or more of fentanyl powder. In short, Section 1105-A more than adequately captures aggravated forms of drug trafficking and provides for up to 30 years in prison for these aggravated forms of trafficking.

## EXECUTIVE DIRECTOR

Tina Heather Nadeau

LD 1263 seeks to make it another Class A felony if a person trafficks in any amount of fentanyl and serious bodily injury results from use of the trafficked drugs. 17-A M.R.S. § 1105-A(1)(L) already makes this a Class B crime for any Schedule W drug, including fentanyl. An additional Class A felony for fentanyl achieves no clear or necessary penological purpose. People trafficking in amounts smaller than 6 grams are almost universally drug users themselves and rarely have any knowledge that the drugs they are using and selling are fentanyl as opposed to heroin. LD 1263 includes no knowledge requirement and instead imputes this knowledge to low-level traffickers suffering from addiction themselves without making any distinction between these low-level traffickers and the actual source of the fentanyl.

For all these reasons MACDL opposes LD 1263.

Sincerely,

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