



TESTIMONY OF ALICIA REA, ESQ.
LD 1288 – Ought Not to Pass

**An Act to Amend Certain Provisions of Maine's Drug Laws
Regarding Heroin, Fentanyl and Cocaine**

Joint Standing Committee on
Criminal Justice and Public Safety

April 14, 2025

PO Box 7860
Portland, ME 04112

(207) 774-5444
ACLUMaine.org
@ACLUMaine

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 1288.

The ACLU of Maine opposes the expansion of Maine's criminal code. All people deserve to live in safe and healthy communities. Expanding the criminal code fuels over-incarceration, contributes to discrimination in enforcement, and erodes fundamental civil liberties.

LD 1288 proposes lowering the threshold quantities for possession of drugs to convict a defendant of trafficking or furnishing. This bill removes the standard presumption that the State must prove the elements of the crimes of furnishing and trafficking, instead considering possession of a quantity of drugs as proof that the defendant was indeed trafficking or furnishing.

This bill would expand the State's already enormous power in prosecuting drug crimes. Under current law, if a prosecutor establishes that someone "intentionally or knowingly possesses [specified quantities of] any scheduled drug," then a court can make "a permissible inference under [Rule 303] of the Maine Rules of Evidence ... that the person is unlawfully trafficking in scheduled drugs."¹ This law allows prosecutors to seek a drug trafficking conviction without having to prove to a judge or jury that the accused even sold any drugs. The diminished standards in LD 1288 will continue to perpetuate this inequity.

¹ 17-A M.R.S. §1103(3).



LD 1288 would be an unnecessary and harmful expansion of Maine’s drug laws. The bill would make prosecutors’ jobs easier, but at a vast cost to jails, prisons and, most importantly, to the lives of people with substance use disorders.

We urge you to oppose LD 1288.