



**Testimony in Opposition of LD 1288:  
An Act to Amend Certain Provisions of Maine's Drug Laws Regarding Heroin, Fentanyl and Cocaine**

Senator Beeb-Center, Representative Hasenfus, and Honorable Members of the Criminal Justice & Public Safety Committee,

My name is Tess Parks. I am the Policy Director of the Maine Recovery Action Project (ME-RAP), a grassroots network of Mainers working on community and public policy based solutions to substance use. I am here today testifying in **opposition of LD 1288** on behalf of our statewide network of organizers.

This bill proposes to lower the weight thresholds that determine whether a person is charged with unlawful trafficking or furnishing. While this might appear aimed at disrupting large-scale drug operations, the practical impact will be far more damaging: **more Mainers with substance use disorder being charged as traffickers—simply for possessing amounts consistent with daily personal use.**

Let's be clear about what these charges mean: furnishing a Scheduled W drug is a **Class C crime**—up to **5 years in prison** and **\$5,000** in fines and trafficking is a **Class B crime**—up to **10 years in prison** and **\$10,000** in fines.

Proponents argue that increasing penalties or that harsher laws will deter drug use and reduce deaths. But public health studies often tell a different story. A study<sup>1</sup> analyzing the potential outcomes of a 2022 Colorado law, which reduced the felony threshold for fentanyl possession from 4 grams to 1 gram—found that: **overdose deaths could increase by 19% and incarceration for possession could double (up 98%).** If this bill passes, we can expect more overdose deaths, more people imprisoned for having a brain disorder, more families shattered, and more barriers to housing and employment due to felony records.

Equally troubling, LD 1288 increases penalties for cocaine base (also known as crack), setting lower thresholds than for powder cocaine. This echoes a long, harmful history of drug laws that disproportionately target marginalized communities and that have fueled racial and economic injustice.

This approach is not only morally misguided—it's economically unsound. According to a 2022 report<sup>2</sup>: **Each drug-related arrest in Maine costs law enforcement \$8,427**, which could fund four months of intensive outpatient treatment under MaineCare. If we're serious about saving lives and supporting recovery, **we need to invest in treatment and recovery—not further criminalizing addiction.**

I urge this committee to reject LD 1288.

Thank you for your time, and I'd be happy to answer any questions.

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<sup>1</sup> Savinkina A, Jurecka C, Gonsalves G, Barocas JA. Mortality, incarceration and cost implications of fentanyl felonization laws: A modeling study. *Int J Drug Policy*. 2023 Nov;121:104175. doi: 10.1016/j.drugpo.2023.104175. Epub 2023 Sep 18. PMID: 37729682; PMCID: PMC10840895.

<sup>2</sup> <https://www.aclumaine.org/en/betterpathreport>

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