



MAINE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

P.O. Box 17642
Portland, ME 04112-8642
(207) 523-9869
mainemacdl@gmail.com

**2026
OFFICERS**

February 4, 2026

President
Matthew D. Morgan

Senator Anne Beebe-Center, Chair
Representative Tavis Hasenpus, Chair

President-Elect
Sarah E. Branch

Committee on Criminal Justice and Public Safety
5 State House Station, Room 436

Vice President
Luke Rioux

Augusta, ME 04333

Secretary
Caitlyn Smith

RE: LD 2157: An Act to Prohibit the Unauthorized Use of Drones on or over the Premises of Correctional Facilities and Jails

Treasurer
Justin Andrus

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

**2025-2026
DIRECTORS**

Jesse James Archer
Randall Bates
Dylan R. Boyd
Daniel Dubé
Andrew Edwards
Benjamin T. Everett
Kristine C. Hanly
James Mason
Joseph Mekonis
Jennifer Rohde
Robert J. Ruffner
John Steed
Lisa Whittier

MACDL **opposes** LD 2157.

While we support reasonable measures that protect correctional institutions and staff, this proposal reaches far beyond its stated purpose and creates a broad new Class C felony that criminalizes innocent conduct, duplicates existing law, and invites arbitrary enforcement without meaningfully improving safety.

The bill targets the intentional conveyance of contraband by drone. However, it goes much further. It also makes it a felony simply to fly a drone over a correctional facility at or below 400 feet, land on the premises, or launch from the premises, regardless of purpose or intent. The State would not need to prove that the operator intended to deliver contraband, knew the location of the facility, or created any security risk.

EXECUTIVE DIRECTOR

Tina Heather Nadeau

The language risks criminalizing everyday, non-culpable behavior. A hobbyist, journalist, surveyor, contractor, or neighbor could inadvertently cross an invisible airspace boundary and commit a felony. Maine law traditionally ties felony liability to intentional or knowing misconduct. This bill departs from that principle.

The proposal also duplicates tools prosecutors already possess. Current law already prohibits conveying contraband into correctional facilities, and existing statutes cover attempt, conspiracy, and accomplice liability. If someone uses a drone to smuggle contraband, prosecutors can already charge that conduct. Creating a new felony that sweeps far beyond intentional smuggling adds little public-safety value while dramatically expanding criminal exposure.

We are particularly concerned that the bill imposes a Class C crime without a mens rea

requirement. In effect, it creates strict liability for conduct punishable by up to five years of incarceration and the lifelong consequences of a felony conviction. Maine rarely attaches such severe penalties to unintentional conduct. Proportionality and fairness require proof of intent or knowledge.

For these reasons, the Maine Association of Criminal Defense Lawyers respectfully urges the Committee to reject L.D. 2157

Sincerely,
/s/Jeremy Pratt
Jeremy Pratt, Esq.