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OFFICE OF THE ATTORNEY GENERAL

**MAINE PROSECUTORS ASSOCIATION  
SHIRA BURNS, EXECUTIVE DIRECTOR**

“An Act to Amend the Laws Governing the Crime of Endangering the Welfare of a Child and to Create the Crime of Aggravated Endangering the Welfare of a Child”

Before the Joint Standing Committee on Criminal Justice and Public Safety

Public Hearing Date: March 27, 2023  
Testimony in Support of LD 761

Senator Beebe-Center, Representative Salisbury and members of the Committee on Criminal Justice and Public Safety. My name is Chelsea Lynds, and I am a prosecutor in Penobscot and Piscataquis Counties. I am here to represent the Maine Prosecutors Association and the Office of the Attorney General and give testimony in support of LD 761.

There is a disturbing statewide increase in the number of children who overdose on illicit drugs, like fentanyl, made accessible to the child by a parent or caregiver. In my own prosecutorial experience, these are very near-death experiences. A child who suffers a fentanyl overdose is unable to breathe on their own and requires breathing assistance to survive, including at times placement on a ventilator. The child also experiences a number of other symptoms, including lethargy/lifelessness, seizure behavior, vomiting and loss of consciousness. Survival is often the result of timely administration of Narcan. If an overdosing child does not receive Narcan on time and suffers a fatal overdose, then the person responsible for exposing that child to the overdose-inducing drug is potentially subject to manslaughter and even murder charges.

Conversely, the statute that best fits the scenario of an infant or toddler *surviving* an overdose is a class D endangering the welfare of a child carrying a maximum penalty of 364 days in jail, a \$2,000 fine, and no ability to impose probation. In other words, if child A overdoses on her mother's fentanyl and is given a dose of Narcan in time to save her, then that mother is facing a misdemeanor endangering charge. If child B overdoses on her mother's fentanyl, and she is given Narcan one minute too late and dies, then that mother is facing charges of manslaughter or murder. The position of the Maine Prosecutors Association is that the scenario envisioned above involving child A is serious enough to warrant a felony charge that is not currently reflected in Maine's endangering the welfare of a child statute, the statute that best captures the conduct at issue.

For these reasons, the Maine Prosecutors Association supports LD 761.

Chelsea Lynds  
Assistant District Attorney