



Brad Farrin
Senator, District 3

131st MAINE SENATE

3 State House Station
Augusta, ME 04333

**Testimony of Senator Brad Farrin
Presenting L.D. 986, An Act to Ensure Safer Communities by Increasing
the Punishment for Crimes Involving Fentanyl
Before the Criminal Justice and Public Safety Committee
April 18, 2023**

Senator Beebe-Center, Representative Salisbury, and members of the Joint Standing Committee on Criminal Justice and Public Safety: I am Brad Farrin and I have the honor of representing the people of Senate District 3, which includes towns in Kennebec, Somerset and Penobscot counties. I am before you today to present L.D. 986, *An Act to Ensure Safer Communities by Increasing the Punishment for Crimes Involving Fentanyl*.

Maine has been seriously impacted by the nationwide drug overdose epidemic. According to the Maine Drug Data Hub, where the State's substance use and substance use disorder data is tracked, from 1997 – 2022 an estimated 6,100 Maine residents lost their life to a pharmaceutical or non-pharmaceutical drug overdose.¹ Those lives represent neighbors, family members, coworkers and friends.

While this number is large, the level that reported drug overdoses and overdose deaths has risen to in Maine over the last few years should be alarming. According to the December 2022 Maine Monthly Overdose Report by the Attorney General's Office, there were 10,110 overdoses reported in 2022 (4.5% greater than 2021) and 716 suspected or confirmed overdose deaths (over 6.5% greater than 2021).²

Over the last six years, many steps have been taken at the state level to address this epidemic. In 2017, the Maine Opioid Task Force was created; the group composed of legislators, treatment providers, recovery advocates, members of law enforcement and our Judicial Branch reported out 20 recommendations to help lower the number of overdoses and deaths. In 2019, Governor

¹ "Maine Drug Data Hub," *Margaret Chase Smith Policy Center*, 2023.

² "Maine Monthly Overdose Report," *Maine Attorney General's Office*, 2022.

³ "Maine Opioid Response Strategic Action Plan Framework," *Governor's Office of Policy Innovation and the Future*, 2019.

Mills created a Director of Opioid Response position and laid out a Strategic Action Plan to address the epidemic.³ Meanwhile, the Legislature has expanded availability for Naloxone, increased Good Samaritan protections, made access to substance use prevention more widely available, and has expanded harm reduction measures such as medication-assisted treatments and needle exchange sites.

Despite measures to reduce overdoses and overdose deaths, the numbers continue to increase year over year. Folks, what we are doing is not working. This manufactured poison is killing a generation. If we want to get serious about saving lives, we need to reflect that in the way we legislate.

If passed, the proposal before you would send the following, very clear, message to those trafficking fentanyl: When it comes to selling drugs, Maine is not open for business. It does so by increasing the trafficking crime from a Class B to a Class A.

Further, it aims to achieve what other states, such as Illinois, have done to reduce the amount of drug trafficking by establishing that a person using an electronic communication device (i.e. telephone or computer) would be subject to a Class B crime. According to the U.S. Government Accountability Office, traffickers are increasingly using online marketplaces to sell drugs. As the GAO webpage states, “Online marketplaces facilitate trafficking by providing anonymity, connecting buyers and sellers, and allowing a range of payment methods...”⁴

For a variety of reasons, you will hear opposition to this bill.

Some individuals will say we should focus more on treatment and recovery centers. To that, I will note for you that I have been working with addiction medicine physicians and recovery community center advocates for the last few months on a companion bill. That legislation is going before the Health and Human Services Committee and it concerns substance use disorder treatment (SUD), recovery and prevention.

Other testimony I read in advance of this hearing stated, “Separating a parent or family member through incarceration does lasting, irreparable harm to their ones.” The story of 36-year-old Jason, an incarcerated individual who lost his life to an overdose eight years

⁴“Trafficking: Use of Online Marketplaces and Virtual Currencies in Drug and Human Trafficking,” *U.S. Government Accountability Office*, 2022.

ago, was cited. The drafter shared that Jason was never offered rehab and he overdosed nearly every time he was released from jail. First, I am extremely sorry for the loss and hardship his family has endured. I would, again, point out that a number of measures to provide rehabilitation and SUD treatment opportunities have been put in place since Jason's death (I.e. Maine Treatment and Recovery Courts).

There is nothing more irreparable or final than death. I can tell you without hesitation, I would much prefer to visit my daughter in jail than visit her gravesite – and I would venture to guess that Jason's family and the loved ones of other individuals who have lost their life from a drug overdose would feel the same.

If we are serious about saving lives, we need to hold drug traffickers accountable for the irreparable harm they have caused people like Jason and my daughter Haley – and the heartbreak they have left with their family members and loved ones. Let me be clear, this bill goes after the trafficker, not the user.

Thank you for your time today. I hope you will join me in supporting this incredibly important piece of legislation.

Maine Monthly Overdose Report

December 2022

Figure 1. Suspected and confirmed fatal overdoses January 2021 through December 2022

