

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

Before the Joint Standing Committee on Criminal Justice and Public Safety

Public Hearing Date: March 17, 2025

Testimony in SUPPORT of LD 592

Senator Beebe-Center, Representative Hasenfus and members of the Joint Standing Committee on Criminal Justice and Public Safety. I am a prosecutor in Penobscot County. I prosecuted the case of Zach Borg, in which a 9 month old had overdosed on fentanyl that was strewn across the belly of her teddy bear. When rescue arrived she was turning blue and had to be intubated as she could no longer breathe for herself. Had she died, her parents who were responsible for her care as well as the fentanyl that nearly killed her, would have been facing manslaughter charges, but because she lived, her parents were facing a simple misdemeanor just as if they drove drunk or got in a bar fight, the difference is those crimes become B felonies if there is serious bodily injury. Endangering doesn't have that option and that is what this bill addresses.

Prior to Borg, I had never been involved with legislation. I simply saw this gap in the law and thought we should address it. I thought who would disagree that endangering the welfare of a child should mirror other statutes and have a felony section for incidents resulting in serious bodily injury. I was stunned, and frankly confused, as I sat here and listened to the opposition to this bill. Today, I know there will be an outpouring of opposition, I know it from my last experience and I know it because I met with members of MCEDV who told me that they were going to call even more people this time than they did last time. I can't compete with that. My full time job is not in legislation. I don't carry political clout. I'm just a prosecutor who sees first hand what is happening in our communities. I know that women, particularly women in abusive relationships, are vulnerable members of our society. I know this because I spend my days in a courtroom fighting for victims of domestic violence. But it's hard for me to envision anyone more vulnerable than a baby that has fentanyl within their reach. I take issue with the proposition that this law will further stigmatize or hinder rehabilitation efforts of drug users. As someone who deals with people in active addiction and a person who was raised by a parent in active addiction myself, I am here to tell you that there are many, many parents in active addiction who do take the steps required to keep their drugs out of the hands of their children. I urge you to talk to your constituents. Talk to the people who put you here. Because I talk about this all the time. I talk about my experience with my cases and this bill and I have never once talked to someone outside of the people involved here that didn't fully support a felony endangering. Please, just ask five people off the street, explain everything you hear today and see what your constituents say because I think you will find that there is a serious disconnect between the people in this room and the people in your communities.

I charged Mr. Borg with aggravated assault and now that conviction has been pending appeal since I stood here before you two years ago. We have 4 of these cases pending in the Penobscot Office. I know that other counties have these cases as well and we on the front lines are left unable to prosecute this conduct. That is wrong and you have the power to make it right with LD 592.

Respectfully Submitted,
Chelsea Lynds