



Maine Chiefs of Police Association
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Statement in support of

L.D. 717, An Act to Amend the Maine Criminal Code Governing Restitution to Include the Costs of All Analyses of Suspected Illegal Drugs

Joint Standing Committee on Criminal Justice and Public Safety

March 17, 2025

Senator Beebe-Center, Representative Hasenfus, and honorable members of the Criminal Justice and Public Safety Committee. My name is Jason Moen. I am the Chief of the Auburn Police Department, and the President of the Maine Chiefs of Police Association. I am submitting testimony on behalf of the Maine Chiefs of Police Association in support of LD 717.

The mission of the Maine Chiefs of Police Association is to secure a closer official and personal relationship among Maine Police Officials; to secure a unity of action in law enforcement matters; to enhance the standards of police personnel, police training and police professionalism generally; to devise ways and means for equality of law enforcement throughout the state of Maine; to advance the prevention and detection of crime; to prescribe to the Law Enforcement Code of Ethics; and to promote the profession of law enforcement as an integral and dedicated force in today's society sworn to the protection of life and property.

One of the most critical components of a drug investigation is the ability to analyze a confiscated controlled substance to determine if it is illegal. Up until recently, these costs, which is a \$155 flat fee per test, were recoverable as they were deemed necessary expenses incurred by the law enforcement agency or victim during an investigation of criminal activity.

In 2021, the Legislature enacted legislation that made a change as to what constitutes a critical investigation expense that is eligible for restitution. The adopted proposal warrants restitution only if the defendant is convicted of trafficking a scheduled drug under Title 17-A, chapter 45, and the court in sentencing the defendant makes a finding that the conduct underlying the conviction was motivated by profit.

Since this new law has been in place, municipal law enforcement agencies have borne the cost of these drug analyses, and they are taking a financial strain on our departments. In addition to serving as the President of the Maine Chiefs of Police Association, I also serve as the Chief of the Auburn Police Department. In Fiscal Year 2024, the Auburn Police Department spent \$9,610 on drug testing. In conversations we have had with departments throughout the state, I can confirm that figure is close to the average amount larger departments expect to incur annually for active years. For some of our smaller community departments that figure tends to be about half that amount, again, dependent on the volume of cases.

Municipal resources are stretched thin, and the inability to recover drug analyses costs burdens tight budgets even more. When these costs are no longer recoverable and additional funds are not allocated, other aspects of criminal investigations are impacted. Law enforcement agencies and prosecutors must decide where to spend limited resources, making it harder to prosecute drug cases effectively.

For these reasons, the Maine Chiefs of Police Association supports the passage of LD 717. We respectfully ask members of the Committee to vote Ought to Pass.