



## *City of Brewer Police Department*

March 15, 2025

**Senator Bebee-Center, Representative Hasenfus, and Honorable Members of the Committee Criminal Justice and Public Safety:**

**This testimony is in support of the passage of LD 717, "An Act to Amend the Maine Criminal Code Governing Restitution to Include the Costs of All Analyses of Suspected Illegal Drugs".**

Prior to 2021 this statute allowed investigating agencies (municipalities) to request restitution to recoup the analysis cost of illicit drugs that were required for trial and based upon a conviction for the same. This still allowed for judicial discretion as to whether or not to mandate restitution but was not a guarantee. More often than not restitution was granted, however there were times when it wasn't or when community service was ordered in lieu of restitution. In 2021 the law changed only allowing for a request of restitution for a conviction of trafficking providing that it could be demonstrated the motivation for trafficking was for profit.

A vast majority of persons engaged in drug trafficking that we encounter are not motivated by profit and sell dangerous drugs such as fentanyl as a means to provide for their own use. To truly find a trafficker motivated solely by profit would mean that we would be dealing with the upper levels of organized criminal enterprises, which is not mid to street level dealers that directly impact our communities. The current law as written gives a pass for all to possess, furnish, and traffic (providing not motivated by profit) and directly places the financial burden upon municipalities to cover analysis costs.

From 2021 to January of 2025 the City of Brewer (Brewer Police Department) has incurred \$22,030 (twenty-two thousand and thirty dollars) in analysis fees for drugs.

Opponents of this bill believe that restitution will create financial barriers to the recovery process. The reality is that people actively engaged in use, furnishing, and trafficking are creating their own barriers to recovery especially in a time when we have more treatment options, recovery centers, and recovery resources than ever before. Stripping away accountability will not reduce demand or act as a leverage point towards recovery.



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Overdoses are at an all-time high even though fatal overdoses have reduced. The demand for illicit dangerous drugs such as fentanyl, methamphetamine, and cocaine are the greatest it has ever been. The greater Bangor area has become a wholesale distribution hub for points north, east, and west with kilo sized quantities readily available. This is the worst it has ever been despite significant public investments in harm reduction, treatment, and recovery. Enforcement and accountability are equally as important as critical investments in treatment, education, and recovery. A balanced and pragmatic approach can help craft an effective drug control strategy resulting in healthier and safer communities.

We ask for your consideration to support passage of LD 717 to provide an option for restitution of analysis costs either monetarily or in community service, such as volunteer hours at a recovery center. This cost should be carried by the individual convicted of committing the offense and not by municipal tax payers.

Respectfully submitted,

Deputy Chief Christopher M. Martin

Brewer Police Department