



2

TESTIMONY OF ALICIA REA, ESQ.
LD 771 – Ought Not to Pass

**An Act to Include Possession of Compounds, Mixtures or Substances
Containing a Detectable Amount of Certain Scheduled Drugs to Prove
the Offense of Unlawful Trafficking of Scheduled Drugs**

Joint Standing Committee on
Criminal Justice and Public Safety

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Senator Beebe-Center, Representative Hasenfus, and distinguished members of the Joint Standing Committee on Criminal Justice and Public Safety, greetings. My name is Alicia Rea, and I am a policy fellow for the American Civil Liberties Union of Maine, a statewide organization committed to advancing and preserving civil liberties guaranteed by the Maine and U.S. Constitutions. On behalf of our members, I urge you to oppose this bill.

This bill expands the State's already enormous power in prosecuting drug crimes. Under current law, if a prosecutor establishes that someone "intentionally or knowingly possesses [specified quantities of] any scheduled drug," then a court can make "a permissible inference under [Rule 303] of the Maine Rules of Evidence ... that the person is unlawfully trafficking in scheduled drugs."¹ This law allows prosecutors to seek a drug trafficking conviction without having to prove to a judge or jury that the accused even sold any drugs. As long as the prosecutor proves that the accused possessed four grams of heroin, or fourteen grams of cocaine, or more than one pound of cannabis, then the accused is assumed to be unlawfully trafficking in that substance, without a need for further evidence that the accused was, in fact, trafficking the substance.²

Current law already gives the state the power to punish people for drug trafficking without requiring proof of drug trafficking. By expanding the State's ability to sweep all amphetamine and methamphetamine mixtures, compounds and preparations into a higher threshold, LD 771 will perpetuate this inequity.

LD 771 would be an unnecessary and harmful expansion of Maine's drug laws. The bill would make prosecutors' jobs easier, but at a vast cost to jails,

¹ 17-A M.R.S. §1103(3).

² See *id.*



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prisons and, most importantly, to the lives of people with substance use disorders.

If enacted, LD 771 would worsen the crisis of drug-related harm and deaths. I urge you to vote ought not to pass.

Thank you for your time and attention.