

Maine PRISONER ADVOCACY Coalition



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Testimony in Opposition to LD 771 to the Committee on Criminal Justice and Public Safety

March 17, 2025

Senator Beebe-Center, Representative Hasenfus, and distinguished members of the Committee:

My name is Peter Lehman and I live in Thomaston. I am a formerly incarcerated citizen and a person in long-term recovery.* I am testifying in opposition to LD 771 on behalf of the Maine Prisoner Advocacy Coalition whose goal is to promote restorative practices in order to increase public safety and the health of our community.

In pursuit of public safety, this bill intends to clarify the definition of amphetamines and methamphetamines in statute.

It says that ANY quantity of amphetamine means that the whole sample is amphetamine: as if it is ALL 100% amphetamine. This is important since QUANTITY is crucial for other statutes, and especially trafficking.

So, for example, if my brownies show up with even a **trace** of amphetamine it is *prima facie* evidence of my trafficking amphetamines.

This is consistent with the same trick in the definition of other substances such as heroin and fentanyl: any trace transforms the whole sample into the forbidden substance.

These definitions do not deter use or trafficking. They do not make us safer.

All these definitions actually accomplish is to allow the state to circumvent its obligation to demonstrate by actual behavior, beyond a

* In the interest of honesty and disclosure, a personal background statement is available on request.

reasonable doubt, that a person has **actually** engaged in trafficking: “To sell, barter, trade, exchange or otherwise furnish for consideration.” (17-A M RSA §1101, sub-§17-C)

This maneuver effectively reverses the burden from the state to the defendant.

We ask you to unanimously **defeat LD 771** and repeal similar sections including sub-§24, Fentanyl powder, sub-§25-B, Cocaine, and sub-§26, Heroin.

Thank you for your attention.

I will be happy to answer any questions.