



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF CORRECTIONS
111 STATE HOUSE STATION
AUGUSTA MAINE
04333-0111

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RANDALL A. LIBERTY
COMMISSIONER

TESTIMONY OF

ANTHONY CANTILLO, DEPUTY COMMISSIONER
MAINE DEPARTMENT OF CORRECTIONS

March 24, 2025

Neither for nor against:

LD 930, An Act to Amend the Law Governing Items Identified as Prison Contraband

Senator Beebe-Center, Representative Hasenfus and distinguished members of the Joint Standing Committee on Criminal Justice and Public Safety, I am Tony Cantillo, Deputy Commissioner at the Maine Department of Corrections (DOC) providing testimony today neither for nor against LD 930, An Act to Amend the Law Governing Items Identified as Prison Contraband.

At this point it is well known that Maine Department of Corrections allows and facilitates broad access to electronic communication devices beyond what would be available in a traditional incarceration setting. Our ability to do that is based on a robust set of approval processes and monitoring tools designed to ensure that devices like laptops and tablets are used safely and appropriately. However, when unauthorized electronic communication devices are brought into correctional settings they have none of the limitations that would otherwise be applicable to devices we've authorized, and the reason they are introduced is often for the purpose of planning things like escape, trafficking drugs, or causing harm to another person. In the last couple years alone, we have seen countless instances of unauthorized communication devices, like cell phones, being used to cause substantial harm in correctional institutions across the country.

The proposal before you today aims to address this problem by explicitly naming electronic communication devices as "contraband" by enacting 17-A MRS §757(4)(A), violation of which would be a Class D crime. Although the department takes no issue with this approach, we do believe that electronic communication devices fit within the current definition of contraband under 17-A §757(2), as a "tool or other item that may be used to facilitate a violation of section 755 [escape]." Under current law, trafficking in prison contraband is a Class C crime, which our team feels is appropriate given the level of risk that unauthorized electronic communication devices can pose.

The new provision under 17-A MRS §757(4)(B) created by this bill also brings vaping devices under the definition of "contraband" and creates a Class D crime for violation. While the department takes no position on whether unauthorized vaping devices should be considered contraband, we would like our vendors to maintain the option to sell vaping devices in our minimum security facilities if that is something they choose to offer. Currently, our vendors are able to sell cigarettes at our minimum security facilities and the elimination of tobacco entirely has proven infeasible. By comparison to traditional cigarettes, vaping devices may be a desirable alternative because they present less of a fire hazard and litter burden.

For these reasons, the Department remains neither for nor against the proposal as currently drafted. However, if the committee chooses to move forward with this proposal, we'd recommend a different approach that addresses the concerns we've outlined while maintaining the objectives of the bill.



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That approach is as follows:

1. **Instead of creating a new subsection under §757 for electronic communication devices, clarify the existing statute under 17-A §757(2) as shown below.** This approach would clarify the existing statute and maintain an appropriate level penalty for this kind of contraband, while still allowing a facility to provide authorized devices.

“2. As used in this section, "official custody" has the same meaning as in section 755. As used in this section, "contraband" means a dangerous weapon, any tool or other item that may be used to facilitate a violation of section 755, any electronic communication device that was not approved for use by the person pursuant to the procedures of the custodial agency or anything that a person confined in official custody is prohibited by statute from making, possessing or trafficking in or a scheduled drug as defined in section 1101, subsection 11, unless the drug was validly prescribed to the person in official custody and was approved for use by the person pursuant to the procedures of the custodial agency.”

2. **Instead of creating a new subsection for “vaping devices” under §757, add vaping devices to the provisions under §757-A, which deal with trafficking of tobacco in adult correctional facilities.** This approach would bring vaping devices within an appropriate, pre-existing statutory framework that only makes bringing such products into a facility a crime when the facility has chosen to ban the product.

We believe the approach outlined above would achieve the goals of this bill in a way that fits within the current statutory framework and addresses the practical concerns of our department.

For the reasons stated above, the department respectfully presents this testimony neither for nor against this proposal.

This concludes my testimony.

I am happy to answer any questions.

Anthony Cantillo
Deputy Commissioner
Maine Department of Corrections