

Janet T. Mills
Governor

Sara Gagné-Holmes
Commissioner



Maine Department of Health and Human Services
Maine Center for Disease Control and Prevention
11 State House Station
286 Water Street
Augusta, Maine 04333-0011
Tel: (207) 287-8018; Fax (207) 287-2887
TTY: Dial 711 (Maine Relay)

Testimony of the Maine Center for Disease Control and Prevention
Maine Department of Health and Human Services

Before the Joint Standing Committee on Health and Human Services

In opposition to LD 904, An Act to Exempt from Fees Certain Services Performed by the Health and Environmental Testing Laboratory for Criminal Investigations

Sponsor: Senator Haggan
Hearing Date: March 27, 2025

Senator Ingwersen, Representative Meyer, and members of the Joint Standing Committee on Health and Human Services, my name is Michael Duschenchuk, and I serve as the Forensic Technical Laboratory Director of the Maine Center for Disease Control (Maine CDC) in the Maine Department of Health and Human Services. I am here today to testify in opposition to LD 904, *An Act to Exempt from Fees Certain Services Performed by the Health and Environmental Testing Laboratory for Criminal Investigations*.

As the title states, this bill intends to eliminate testing fees charged by Maine CDC - Health and Environmental Testing Laboratory (HETL) for samples related to criminal investigations. HETL has a forensic chemistry section (FCS) that performs toxicology and seized drug testing and is the only forensic testing laboratory in the State of Maine providing these services. Over the past four fiscal years, the FCS has generated an average revenue of approximately \$599,827 from testing fees related to criminal investigations, including expert testimony and generation of discovery materials. Additionally, if testing fees are eliminated for individual law enforcement agencies and prosecutorial bodies, HETL-FCS anticipates a statistically significant increase in the number of seized drug cases submitted for testing. If testing fees are removed, LD 904 is expected to incur an additional annual cost of approximately \$1.5 million, based on the anticipated loss of revenue and the additional staff and equipment needed to respond to the increase in testing requests.

Currently, fees are detailed in the 10-144 CMR, Chapter 257, State of Maine Schedule of Charges for Testing and Services Provided by the Maine Health and Environmental Testing Laboratory, last amended in 2020, and are as follows:

- Blood Alcohol testing - \$70 per sample
- Blood Drug testing - \$225 per sample*
 - *The entire Blood Drug Testing Program is currently paid for through a Department of Public Safety-Bureau of Highway Safety Federal National Highway Traffic Safety Administration Grant Program which expires on September 2025. At present, due to this federal funding source, HETL is not able to generate revenue on any blood drug testing. Based upon the number of samples

received in 2024, blood drug testing would be expected to generate approximately \$225,000 annually in additional revenue.

- Urine Drug testing - \$225 per sample
- Seized Drug testing - \$155 per sample
- Expert Testimony - \$100 per hour
- Discovery Materials - \$50 for initial discovery request; \$30 per hour for additional requests

Evidence is submitted to HETL FCS by law enforcement agencies throughout the state in connection with criminal investigations. Testing by FCS is performed in furtherance of prosecution of Class A-E crimes, including but not limited to, those described in Title 17-A and Title 29-A of Maine Revised Statutes. Requests for forensic seized drug testing are made primarily through the prosecuting agency, with the cost of this testing borne by the submitting law enforcement agency. Forensic Toxicology testing fees are primarily covered by the Department of Public Safety Bureau of Highway Safety under Implied Consent/Duty to Submit. These testing fees are used to supplement the HETL budget, purchase supplies, pay forensic personnel salaries along with other costs associated with the operations of the HETL Forensic Chemistry Section.

There are two factors that must be considered if this bill is implemented and further explain why Maine CDC is in opposition to LD 904, as currently written.

First, with the exemption of fees related to criminal investigations, it is expected that the amount of testing requests would increase significantly for the Seized Drug Testing Unit within HETL. With removal of these fees, prosecutors will no longer have to consider budgetary limitations when determining the type and overall number of samples within a case needed for a prosecution. To address this expected increase in testing, the HETL Forensic Chemistry Section will require additional chemist and evidence technician positions, analytical instrumentation and processing equipment as described in the attached fiscal note.

Second, this bill does not address the manner in which the revenue generated by these fees are to be supplanted in order to keep the HETL Forensic Chemistry Section functional. Loss of this revenue will require other funding source(s) to be identified to maintain not only the current level of testing, but the increase in testing expected if this bill were to be passed.

In conclusion, this bill seeks to remedy the issue of charging law enforcement and prosecuting agencies forensic testing fees, but without identifying another funding source to keep the HETL Forensic Chemistry Section operational, as well as adequately staffed and equipped.

Thank you for your time and attention. I would be happy to answer any questions you may have and to make myself available for questions at the work session.