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THE MAINE SENATE
132nd Legislature

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**Joint Standing Committee on Health and Human Services on
LD 904, An Act to Exempt Fees For Certain Services From the Health and
Environmental Laboratory for Criminal Investigations
March 27, 2025**

Good afternoon, Senator Ingwersen, Representative Meyer, and esteemed members of the Joint Standing Committee on Health and Human Services: I am Dave Haggan and I have the honor of representing the people of Senate District 10, which includes three municipalities in Hancock County and nine municipalities in Penobscot County. I am pleased to present LD 904, *An Act to Exempt from Fees Certain Services Performed by the Health and Environmental Testing Laboratory for Criminal Investigations*.

In 2021, the 130th Legislature enacted LD 477, which severely limited the ability to seek restitution for drug testing fees. This change was put forward because advocates believed that it would create an insurmountable barrier to recovery if someone convicted of possession, furnishing, or trafficking to have to pay restitution fees, unless that convicted person was motivated by profit.

Before this law took effect, investigating agencies, such as municipal police departments or county sheriff offices, could request restitution from a convicted party to recover the cost of testing and analyzing of illegal drugs as part of a criminal investigation for trial. Now those costs can only be requested if the court finds that the conduct underlying the conviction was motivated by profit.

Contrary to what many think, most traffickers in Maine are not primarily motivated by profit. Instead, they sell these dangerous and illegal substances to support their own habits. In order to find a trafficker truly motivated profit, you would have to look much higher up the chain of organized crime.

This change, while noble in intent, has become an unfunded mandate on municipal and county police departments. In fact, between 2021 and January 2025, these analysis fees have cost the Brewer Police Department more than \$20,000. And regardless of the motivation, someone who traffics drugs is endangering our communities.

If we aren't willing to hold drug offenders accountable for the expenses associated with testing and analysis required to keep our communities safe, the state should pick up the tab. This burden should not fall on our municipalities and counties.

Thank you for your time today. I would be happy to answer any questions but assure you there are people here today who know far more about this topic than I do. Thank you for your consideration and I encourage you to vote "ought to pass" on LD 904.