



City of Brewer Police Department

March 23, 2025

Senator Ingwersen, Representative Meyer, and Honorable Members of the Committee on Health and Human Services:

This testimony is in support of the passage of LD 904, "An Act to Exempt from Fees Certain Services Performed by the Health and Environmental Testing Laboratory for Criminal Investigations".

In 2021 legislation was passed that changed 17-A MRSA ss2002, subsection 3, paragraph B. This severely limited the ability to seek restitution for drug testing fees. Proponents of this legislation felt that anyone charged with possession, furnishing, or trafficking (if not motivated by profit) should not be held accountable for restitution fees as it would be an undue burden placing barriers to recovery. These were the same advocacy groups that have been championing safe injection sites and the decriminalization of drug possession. We strongly disagree with the premise of removing personal responsibility. Simply put, drug use costs money, some addictions can cost close to two thousand dollars per week. If someone can afford hundreds to thousands per week for drug consumption we believe it is reasonable that they would be accountable for any fines, fees, or restitution.

Prior to 2021 this statute allowed investigating agencies (municipalities) to request restitution to recoup the analysis cost of illicit drugs that were required for trial and based upon a conviction for the same. This still allowed for judicial discretion as to whether or not to mandate restitution but was not a guarantee. More often than not restitution was granted, however there were times when it wasn't or when community service was ordered in lieu of restitution. In 2021 the law changed only allowing for a request of restitution for a conviction of trafficking providing that it could be demonstrated the motivation for trafficking was for profit.

A vast majority of persons engaged in drug trafficking that we encounter are not motivated by profit and sell dangerous drugs such as fentanyl as a means to provide for their own use. To truly find a trafficker motivated solely by profit would mean that we would be dealing with the upper levels of organized criminal enterprises, which is not mid to street level dealers that directly impact



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our communities. The current law as written gives a pass for all to possess, furnish, and traffic (providing not motivated by profit) and directly places the financial burden upon municipalities to cover analysis costs.

LD 904 relieves the financial burden from individual municipalities and counties. It seeks to have the state HETL lab waive the fees that have been charged to these agencies since 2021. It was the will of the legislature in 2021 to not allow for testing cost restitution on offenders convicted to drug crimes. This created an unfunded mandate to pay this expense by the municipalities and counties. We believe that the HETL lab, which already has the building, equipment, and staff is in a position to waive testing fees. We believe the state is in a position to fund this, especially if collectively we aren't willing to hold offenders accountable.

From 2021 to January of 2025 the City of Brewer (Brewer Police Department) has incurred \$22,030 (twenty-two thousand and thirty dollars) in analysis fees for drugs.

Overdoses are at an all-time high even though fatal overdoses have reduced. The demand for illicit dangerous drugs such as fentanyl, methamphetamine, and cocaine are the greatest it has ever been. The greater Bangor area has become a wholesale distribution hub for points north, east, and west with kilo sized quantities readily available. This is the worst it has ever been despite significant public investments in harm reduction, treatment, and recovery. Enforcement and accountability are equally as important as critical investments in treatment, education, and recovery. A balanced and pragmatic approach can help craft an effective drug control strategy resulting in healthier and safer communities.

We ask for your consideration to support passage of LD 904.

Respectfully submitted,

Deputy Chief Christopher M. Martin

Brewer Police Department

Invoice#: I0142101

RE#: HTL0813241FOR0020001

Customer: HTL1000MBPD4

Bill To:

BREWER POLICE DEPT
ACCOUNTS PAYABLE
151 PARKWAY S
BREWER, ME 04412-1646

Info:

JOE EVERETT
BREWER PD
22-088167

Date	Purchase Order Number		Terms	
08/13/2024			Due Upon Receipt	
Quantity	Test Code	Description	Unit Price	Amount
1	1069	SDDStandard	155.00	155.00
1		2219835-01		
1	1069	SDDStandard	155.00	155.00
1		2219835-02		
1	1069	SDDStandard	155.00	155.00
1		2219835-03		
1	1069	SDDStandard	155.00	155.00
1		2219835-04		
1	1069	SDDStandard	155.00	155.00
1		2219835-05		
1	1069	SDDStandard	155.00	155.00
1		2219835-06		
0	1069	SDDStandard	0.00	0.00
1		2219835-07		
0	1069	SDDStandard	0.00	0.00
1		2219835-08		
1	1069	SDDStandard	155.00	155.00
1		2219835-09		
0	1069	SDDStandard	0.00	0.00
1		2219835-10		
			1,085.00	

1,085.00