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TESTIMONY OF ALICIA REA, ESQ.
LD 962 – Ought Not to Pass

**An Act to Establish the Offense of Aggravated Operating Under the
Influence Resulting in the Death of a Pet**

Joint Standing Committee on
Criminal Justice and Public Safety

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Senator Beebe-Center, Representative Hasenfus, and distinguished members of the Joint Standing Committee on Criminal Justice and Public Safety, greetings. My name is Alicia Rea, and I am a policy fellow for the American Civil Liberties Union of Maine, a statewide organization committed to advancing and preserving civil liberties guaranteed by the Maine and U.S. Constitutions. On behalf of our members, I urge you to oppose LD 962.

The ACLU of Maine opposes the creation of new crimes and the expansion of Maine's criminal code. All people deserve to live in safe and healthy communities and investing in resources has been proven to support this goal. Adding new crimes fuels over-incarceration, contributes to disproportionate enforcement, and can erode fundamental civil liberties.

LD 962 proposes a new felony-level crime for aggravated OUI resulting in the death of a pet. This bill seeks to create an additional penalty, beyond that in statute for aggravated OUI, which does not serve as a deterrent.¹

In addition to being ineffective as a deterrent, the factors involved in a particular crime are already considered during sentencing. Under the Maine criminal code, judges are required to consider aggravating factors, which may include the death of a pet in the crime of OUI.² The creation of this new crime is unnecessary to address the harm done to a pet when the sentencing factors already contemplate this factor.

We urge you to oppose LD 962.

¹ See National Institute of Justice, *Five Things About Deterrence*, May 2016, <https://www.ncjrs.gov/pdffiles1/nij/247350.pdf> (clarifying the lack of relationship between criminal deterrence and sentencing).

² 17-A M.R.S. § 1602(1)(B).