



**Testimony in Opposition of LD 1263:
An Act Regarding Penalties for Fentanyl Trafficking When That Trafficking Results in an Overdose Causing
Serious Bodily Injury of a Person**

Senator Beeb-Center, Representative Hasenfus, and Honorable Members of the Criminal Justice & Public Safety Committee,

My name is Tess Parks. I am the Policy Director of the Maine Recovery Action Project (ME-RAP), a grassroots network of Mainers working on community and public policy based solutions to substance use. I am here today testifying in **opposition of LD 1263** on behalf of our statewide network of organizers.

I want to begin by acknowledging the deep pain and loss that families and communities across Maine have endured due to the opioid crisis. The intent behind LD 1263 is understandable—after so much suffering, it’s natural to ask: who will be held accountable?

But we must remember how this crisis began. Pharmaceutical companies prioritized profit over people, fueling addiction through widespread overprescribing, which eventually created the demand for fentanyl in illicit drug markets. Since 2013, we’ve lost 5,138 Mainers to overdose. While no amount of money can bring back those we’ve lost, the opioid settlements—secured through lawsuits led by the Maine Attorney General—represent a form of justice in holding those responsible accountable.

If enacted, LD 1263 will punish the very people most harmed by the opioid crisis. Individuals with opioid use disorders often possess amounts sufficient to trigger trafficking charges — even when those drugs are for personal use or shared among peers. Low level street dealers are often selling small quantities to support their own opioid addiction. This bill could result in someone with an OUD facing up to 30 years in prison simply because a friend suffered a non-fatal overdose while using drugs together.

We know that harsher sentences have not and will not solve the opioid crisis. Research from the Pew Charitable Trusts (2018)¹ found that **longer or more punitive drug sentences do not reduce drug misuse, drug arrests, or overdose deaths**. In fact, there is no correlation between drug imprisonment rates and the reduction of drug-related harm. For example, New Jersey, which imprisons far fewer drug offenders than Tennessee, sees roughly the same rates of drug use.

We cannot incarcerate our way out of this epidemic. If we truly want to honor those we have lost to overdose and protect our communities from further harm, we must focus on expanding access to treatment, ensuring harm reduction tools are widely available, and supporting recovery over punishment.

I urge this committee to reject LD 1263. We need more care and treatment, not more incarceration.

Thank you for your time, and I’d be happy to answer any questions.

¹ “More Imprisonment Does Not Reduce State Drug Problems: Data show no relationship between prison terms and drug misuse.” The Pew Charitable Trusts, March, 2018.

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