



Janet T. Mills
Governor

STATE OF MAINE
Maine State Police Crime Laboratory
26 Hospital Street
133 State House Station
Augusta, Maine
04333-0133

A Nationally Accredited Laboratory



Lt. Michael Zabarsky
Director

Testimony of Lieutenant Michael Zabarsky

**Joint Standing Committee on Judiciary
132nd First Special Session**

**LD 1816, An Act to Establish a Statewide Sexual Assault Forensic Examination
Kit Tracking System and Conduct an Inventory of Existing Forensic Examination
Kits in the Possession of Law Enforcement**

Senator Carney and Representative Kuhn, and distinguished members of the Judiciary Committee, my name is Lieutenant Mike Zabarsky, Director of the Maine State Police Crime Laboratory, and I am testifying neither for nor against LD 1816.

I am pleased to report that since the last legislative session, the Crime Lab partnered with MECASA to identify federal STOP grant funding to implement an affordable kit tracking system and commence a pilot project in Kennebec and Penobscot Counties to develop essential data about kit inventories in law enforcement custody. With the help of the STOP grant and MainelT, we successfully stood up a kit tracking system, which is currently being used by the pilot project. Although a statewide inventory is not yet completed and will take time, anecdotal information indicates there may be hundreds of kits in law enforcement custody throughout the State.

This bill directs all law enforcement agencies involved with forensic examination kits to complete an inventory of all kits in their possession and report their findings to the Department of Public Safety by June 1, 2026. The bill also requires the

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Department to present its findings of this inventory by January 1, 2027, which includes data on the average and median lengths of time for forensic examination kits to be sent for analysis at the lab after being entered into the tracking system and for analysis to be completed; it further requires data on the number of reported forensic examination kits entered into the tracking system over one year for which analysis has not been completed.

Based on a fair reading of this bill, the lab believes the process of inventorying kits statewide will result in law enforcement agencies identifying more kits needing forensic analysis at the lab and thereby increase casework beyond our capacity. The lab already has a backlog of kits due to limited resources and adding more of them will have a chilling effect on our ability to prioritize violent crimes against people and process kits in a timely manner without detrimentally impacting our goal to maximize throughput and achieve reasonable turnaround times.

To effectively implement this bill, the lab would need additional technology resources and scientific staff to manage kit tracking, train stakeholders, and process evidence. The current tracking system is over budget and requires additional customization to be effective and meet the criteria established in this bill. The lab projects two staffing positions needed: A Forensic Chemist II to manage the kit tracking system, provide essential administrative support, and engage in lab work; A DNA Forensic Analyst is needed to develop DNA profiles, provide expert reports of results, engage in labor-intensive statistical reporting, and determine CODIS (the national Combined DNA Index System) eligibility. It is important to note that time is of the essence when we consider hiring and training

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staff as this takes significant time before a scientist can independently process casework.

Although the Department is neither for nor against this bill, we are committed to kit tracking and a statewide inventory as we have demonstrated with our partnerships to stand up a tracking system and appreciate the Committee's work to provide a path forward. On behalf of the Department of Public Safety and the Maine State Police Crime Lab, I thank you for your time and am happy to answer any questions you might have.

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