



# MAINE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

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March <sup>19</sup> 2021

Senator Susan Deschambault  
Representative Charlotte Warren  
Committee on Criminal Justice & Public Safety  
100 State House Station Room 436  
Augusta, ME 04330

RE: LD 477 – An Act to Allow for Fair Restitution by Providing That Restitution Does Not Include the Cost of Analysis of Suspected Illegal Drugs

Dear Senator Deschambault, Representative Warren and Members of the Criminal Justice and Public Safety Committee:

MACDL supports LD 477.

This bill corrects a longstanding financial impediment on those convicted of drug offenses which required them to pay for the testing of suspected illegal drugs. Many of those convicted of drug offenses are those who are addicted to drugs and have many significant challenges in their lives, including all too often substantial financial constraints. Requiring the all too often indigent to have to pay for the cost of testing drugs in a drug case is unfair.

The State has regularly and routinely sought reimbursement for testing costs as a necessary predicate to resolution of a case. In countless cases, if a defendant will not agree to pay the drug testing costs, then the State will not agree to a resolution of a case.

This bill also corrects the trend towards having criminal defendants pay for governmental services connected to their case. Having a requirement that a defendant pay for drug testing is no more logical than having a defendant pay for the police officer's time in investigating a case and preparing a report, a prosecutor's expenses for copying a report and providing it to a defendant, or the gas used to transport the defendant to the jail. All of these are connected to a criminal case, but everyone recognizes that these are governmental expenses and should not be paid for by a defendant. Requiring a defendant to pay for analysis of suspected illegal drugs falls into this same category and should no longer be required.

Thank you for the opportunity to address this issue.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Walter F. McKee', written in a cursive style.

Walter F. McKee  
Chair, Legislative Committee