



**MAINE ASSOCIATION OF CRIMINAL DEFENSE
LAWYERS**
P.O. Box 17642
Portland, ME 04112-8642
(207) 523-9869
mainemacdl@gmail.com

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

RE: LD 1035 An Act to Prohibit Maintaining Drug-involved Premises

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

MACDL opposes LD 1035.

LD 1035 attempts to make a crime out of something that is already a crime. If someone were guilty of LD 1035 that person would also be guilty of Unlawful Trafficking in Scheduled Drugs (Title 17-A §1103 or Title 17-A §1105-A). Unlawful Trafficking in Scheduled Drugs is a Class B or Class A crime, which is punishable by up to 10 years or up to 30 years in prison. This would be under a theory of accomplice liability. The accomplice liability statute is found in Title 17-A §57. The relevant language is “[a] person is an accomplice of another person in the commission of a crime if with the intent of promoting or facilitating the commission of the crime, the person solicits such other person to commit the crime, or aids, or agrees to aid or attempts to aid such other person in planning or committing the crime.”

To put it another way, if you knowingly give someone a place to deal drugs then you are guilty of dealing drugs under the theory of accomplice liability. This illegal conduct is what LD 1035 hopes to make illegal. LD 1035 is superfluous and unnecessary.

MACDL opposes LD 1035 because LD 1035 seeks to prohibit conduct that is already prohibited.

Sincerely,
Jeremy Pratt
Vice-President, MACDL