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Senator Anne Beebe-Center, Chair
Representative Suzanne Salisbury
Committee on Criminal Justice & Public Safety
100 State House Station Room 436
Augusta, ME 04330

RE: LD 986 -- An Act to Ensure Safer Communities by Increasing the
Punishment for Crimes Involving Fentanyl

Dear Senator Beebe-Center, Representative Salisbury, and Members of the Criminal
Justice and Public Safety Committee:

MACDL opposes LD 986.

Make no mistake: fentanyl is a very dangerous substance, and trafficking in it is a serious crime. But, as it stands now, trafficking in fentanyl is already a Class B felony crime, punishable by up to 10 years in prison. Elevating the Class B crime to a Class A crime would be without any evidence that judges at this time are sentencing defendants to anywhere near the maximum sentence available. It is only in that situation, and that situation alone, where this Committee should even consider elevating the class of crime to a Class A crime.

Section 2 of the bill would establish a brand new crime of basically using a phone in furtherance of fentanyl trafficking. Under this new law, a person who sent a single text message to buy or sell a minute amount of fentanyl would be subject to a term of imprisonment of up to 10 years. There is no reason to create this new law that would elevate the use of an electronic communication device that is connected to any fentanyl trafficking to felony level consequences. There are simply too many potential situations to which this new law would apply and would likely ensnare countless people who were not true "traffickers" in fentanyl into a Class B felony. Additionally, there is already the felony crime of conspiracy, as well as accomplice liability, that is available to prosecutors to ensure that those who engage in activity in furtherance of fentanyl trafficking can be prosecuted.

Thank you for the opportunity to address this bill.

Sincerely,

Walter F. McKee
Chair, Legislative Committee