

Testimony in Support of LD 967, "An Act To Make Possession of Scheduled Drugs for Personal Use a Civil Penalty"

April 30, 2021

James Myall

Dear Senator Deschambault, Representative Warren, and members of the Joint Standing Committee on Criminal Justice and Public Safety. My name is James Myall. I am a policy analyst at the Maine Center for Economic Policy, and I am writing in support of LD 967 because the current approach of criminalizing substance use isn't working.

Our current approach places a huge burden on Mainers, especially Mainers of Color, and prevents them from thriving economically. What's more, from an economist's perspective, criminalizing people who use drugs is an inefficient use of state resources. The state spends tens of thousands of dollars each year to incarcerate an individual; resources which would be much more effectively applied to other methods.

Criminalization of drug use places an incredible burden on Mainers. Not only does incarceration steal time from an individual's life which cannot be reclaimed, but the impact persists even years after release. Having a criminal record – even for a minor offense such as substance possession – makes it much harder for Mainers to get a job. Studies show that between two otherwise identical candidates for a job, the one with a criminal record is half as likely to get the job. One conviction can haunt someone for the rest of their working life, making it harder for them to find work, and ultimately harder to make ends meet.

In the absence of employment opportunities, and faced with financial hardships, individuals are more likely to reoffend, landing them back in the criminal legal system.

LD 967 would break this cycle of criminalization and poverty for many Mainers, offering them a real chance to improve their lives and better their economic prospects.

These impacts are especially severe for Mainers of Color. Systemic bias in our criminal code and in our justice system means that Black and brown Mainers are more likely to be arrested, more likely to be convicted, and face longer sentences than white Mainers when it comes to substance use. For example, in 2016, Black Mainers were actually less likely to use cannabis than white Mainers. Yet they were four [check] times as likely to be arrested for cannabis possession. The decriminalization of recreational cannabis has removed/reduced this disparity, and LD 967 could have a similar impact for possession of other substances.

Finally, the current war on drugs is incredibly inefficient. In fiscal year 2019, Maine spent just over \$41,000 each year to incarcerate an individual in prison. Those are resources which could be applied to many better uses. Mainers who are currently incarcerated for substance possession would be much better served by programs in health care, workforce development or education. LD 967 would allow Maine to use resources more effectively, moving away from incarceration and towards investment in Mainers.

LD 967 is an opportunity for a new start. A new start for Mainers who would otherwise face criminal charges to thrive; a new start for Maine to address the systemic racism which harms Mainers of Color; and a new start for using state dollars more effectively by investing in people, not prisons.

Thank you. I'll be happy to answer any questions and can be reached at jmyall@mecep.org

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Please find attached testimony in support of LD 967 on behalf of the Maine Center for Economic Policy.