



STATE OF MAINE
DEPARTMENT OF PUBLIC SAFETY
MAINE DRUG ENFORCEMENT AGENCY

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**TESTIMONY OF DIRECTOR ROY E. MCKINNEY
MAINE DRUG ENFORCEMENT AGENCY**

AGAINST

**LD 967, An Act to Make Possession of Scheduled Drugs for Personal Use a Civil
Penalty**

Before the Joint Standing Committee on Criminal Justice and Public Safety
10 AM Friday, 30 April 2021

Senator Deschambault, Representative Warren, and other distinguished members of the Joint Standing Committee on Criminal Justice and Public Safety, my name is Director Roy McKinney. I am here to testify on behalf of the Department of Public Safety and Maine Drug Enforcement Agency in opposition to LD 976, “An Act to Make Possession of Scheduled Drugs for Personal Use a Civil Penalty.”

Thank you for the opportunity to be here before you today. The Department supports efforts to reduce the stigma for those suffering from a substance abuse disorder and to reduce barriers to recovery. However, we do not find that the decriminalization of illicit drugs is a solution to the substance use and overdose crisis in our communities.

Today, police roles have expanded to include a new emphasis on saving people from overdosing and helping those with substance use disorder get into treatment while still holding drug traffickers accountable. Addressing the opioid crisis involves multiple roles carried out by multiple stakeholders – from the Scarborough Police Operation HOPE (Heroin-Opiate Prevention Effort) initiative, deferred disposition, treatment and recovery courts, ODMAP (Overdose Detection Mapping Application Program), police assisted diversion or deflection efforts and the most recent implementation of the Overdose and Prevention Response OPTIONS (Overdose Prevention Through Intensive Outreach, Naloxone and Safety) initiative to support Maine people with substance use disorder.

While the Department is open to reasonable modifications of the unlawful possession of scheduled drugs statute, we do not support the outright decriminalization of scheduled drugs. The bill’s title implies that personal use amounts would be subject to a civil violation. However,

the bill does not specify what quantities would constitute personal use amounts. In addition, the bill proposes no stronger intervention responses if there are subsequent violations.

A bill in the 129th Legislature sought to legalize the possession of schedule drugs below a certain threshold which the Department opposed. The Department did support repealing 17-A §1107, sub-§1, ¶A. This section criminalizes the possession of cocaine, cocaine in the form of cocaine base, and methamphetamine as a Class B felony carrying up to 10 years in prison.

As stated above, the Department is resolved to working for reasonable reforms to Maine's illegal possession statute based on evolving views of how to address the problem of illegal substance use. Decriminalization of these drugs sends a mixed message that fails to recognize how dangerous these drugs are and normalizes their possession.

On behalf of the Department, I thank you for your time and will be pleased to answer any questions that you may have.