



# Maine Medical Association

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March 2, 2020

To: Senator Susan Deschambault and Representative Charlotte Warren, Chairs  
Joint Committee On Criminal Justice and Public Safety

From: Lani Graham, M.D., Daniel Oppenheim, M.D., Ted Walworth, M.D.  
Maine Medical Association Public Health Committee

Re: **Support for LD 1492**, An Act To Reform Drug Sentencing Laws

Dear Chairs and members of the Joint Committee On Criminal Justice and Public Safety,

On behalf of the Maine Medical Association (MMA), representing over 4,300 Maine physicians, residents and medical students, we would like to take this opportunity to provide our support for an amended LD 1492, which would require prosecutors to prove someone is trafficking before they can be convicted of trafficking; end some felony charges for possessing small amounts of a drug; end criminal charges for possessing and exchanging hypodermic needles; raise the threshold amount for automatically charging someone with a felony; and remove criminal penalties for low-level drug possession.

Hundreds of thousands of people are held for drug-law crimes in state or federal prisons across the country, up from less than 25,000 in 1980. According to a 2019 *Bangor Daily News* article, "About 60 percent to 85 percent of inmates in Maine prisons struggle with some kind of addiction, whether it be alcohol or opioid", and, "the number of inmates entering correctional facilities due to drug-related offenses has increased nearly every year since 2014, according to DOC data." In addition, a Pew Charitable Trust issue brief from 2018 showed, state by state, there was no relationship between rates of imprisonment and overdose deaths, nor is there evidence that stiffer prison terms deter drug use or distribution. They concluded, "An aggressive approach to drug crimes yields no benefit. . . . The evidence strongly suggests that policymakers should pursue alternative strategies that work better and cost less."

As Maine leaders in law enforcement and health care confront the growing epidemic of substance use disorder, policymakers are undoubtedly looking to appropriately balance resources toward the enforcement of drug laws and allocating necessary resources toward effectively treating those suffering from substance use disorder.

We understand that Maine's thresholds for charging people with felony possession and automatic felony trafficking are incredibly low compared to most other states. As outlined above, many of those incarcerated under current possession and sentencing laws are lower-level offenders struggling with their own addiction. The current punitive, and ineffective, approach of incarcerating lower-level offenders when compared to the documented value of effective evidence-based treatment methods makes for a seemingly sound policy shift toward the latter. The Maine Medical Association endorses this shift.

Treatment is the most effective way of tackling Maine's substance use problems. Treatment not only saves the taxpayer a tremendous amount of money in the long run, it also saves lives; actually reduces crime and health care costs; and reunites families. In short, treatment helps everyone, not only the individual battling addiction.

Thank you for considering our comments. We urge the Committee to vote in favor of an amended LD 1492.