



130th MAINE LEGISLATURE

LD 967

LR 933(02)

An Act To Make Possession of Scheduled Drugs for Personal Use a Civil Penalty

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

Fiscal Note

	FY 2021-22	FY 2022-23	Projections FY 2023-24	Projections FY 2024-25
Net Cost (Savings)				
General Fund	(\$491,764)	(\$594,304)	(\$594,304)	(\$594,304)
Appropriations/Allocations				
General Fund	(\$1,046,425)	(\$1,148,965)	(\$1,148,965)	(\$1,148,965)
Revenue				
General Fund	(\$554,661)	(\$554,661)	(\$554,661)	(\$554,661)

Correctional and Judicial Impact Statements

- Eliminates Class B crimes; decreases correctional and judicial costs
- Eliminates Class C crimes; decreases correctional and judicial costs
- Eliminates Class D crimes
- Eliminates Class E crimes
- Establishes new Class E crimes

Fiscal Detail and Notes

This bill changes the unlawful possession of scheduled drugs from a crime to a civil violation. The bill also imposes either a fine of \$100 for violations or allows a person to complete a health assessment administered by a credentialed treatment professional. According to data provided by the judicial branch, there are currently an average of 1,658 violations per year for these offenses and fines assessed average \$677,549 per year. Using certain assumptions related to the number of offenders who will pay a fine or complete a health assessment, it is estimated that revenues credited to the General Fund will decrease by \$554,661 per year.

Additionally, changing possession of scheduled drugs from being charged as crimes to civil violations will reduce the number of individuals who serve sentences in state correctional facilities. According to the Maine Department of Corrections year end report for 2019, a total of 16 individuals were admitted to a prison for possession of a scheduled drug. Assuming that 3 of these admissions were for Class B crimes and 13 were for Class C crimes, the bill includes ongoing General Fund deappropriations to the Department of Corrections of \$1,046,425 in fiscal year 2021-22 and \$1,148,965 in fiscal year 2022-23. This estimate is based on the assumption that the average length of stay for a Class B crime is 591 days and 364 days for a Class C crime at an average cost of \$151.24 per day.