



Maine County Commissioners Association

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LD 1311, An Act to Provide That the Legal Use or Possession of Cannabis Is Not a Violation of Probation, Parole or Pretrial Release

April 10, 2023

Chair Beebe-Center, Chair Salisbury, and Members of the Joint Standing Committee on Criminal Justice and Public Safety, my name is Stephen Gorden and in addition to serving as a member of the board of commissioners for Cumberland County, I am writing today in my role as chair of the legislative policy committee of the Maine County Commissioners Association. We appreciate the opportunity to provide testimony to the Committee in support of LD 1311.

About MCCA. Briefly, the Maine County Commissioners Association was established in 1890 to assist Maine's county government in providing vital services to Maine citizens in a responsive, efficient, and credible manner. The Association is based in Augusta, represents all 16 of Maine's counties, and is governed by a board with representation from each participating county.

Background. By way of background, Maine voters voted in favor of a referendum to permit the use of medical cannabis in 1999, and in 2016, Maine voters similarly approved the sale of adult-use recreational cannabis in Maine. Subsequently, the Legislature passed, and Governor Janet Mills signed, legislation establishing the framework for adult-use cannabis sales in Maine, and recreational cannabis sales began throughout the State in 2020.

What does LD 1311 do? LD 1311 prohibits an individual's legal cultivation, possession, or use of cannabis or testing positive for cannabis from being a violation of probation, parole, or release pending trial unless the court finds that such cultivation, possession, or use of cannabis by the individual creates a risk of danger to the individual or others. We support this proposal.

LD 1311 reduces unnecessary county jail costs. As this Committee knows, county jails currently house inmates for pre-trial and probation violations and pretrial release. We take this responsibility seriously, but it is important to recognize that incarceration in county jails comes with a cost, about 80% of which is borne by local property taxpayers. Hence, it is prudent for the State to consider whether incarceration for certain activities is warranted. LD 1311 seeks to align statutory provisions related to violations of probation and pretrial with recent changes in State law regarding adult-use cannabis cultivation, possession, and use. These changes are consistent with the policies set by Maine voters, and if adopted, will reduce the frequency of incarceration of individuals for cannabis-related activities – and reduce unnecessary costs of operating county jails.

Conclusion. We appreciate the opportunity to provide testimony on this bill, and if you have questions or need additional information, please do not hesitate to let us know.

Respectfully submitted,

Stephen Gorden
Chair, Legislative Policy Committee

Comments of MCCA re LD 1311

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cc: Commissioner Richard Dutremble, President, MCCA
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