

Testimony of the Maine Municipal Association

In Opposition to

LD 1364 - *An Act to Prevent Opioid Overdose Deaths by Establishing Safe Consumption Sites*

April 27, 2023

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Sen. Beebe-Center, Rep. Salisbury and distinguished members of the Criminal Justice and Public Safety Committee, my name is Rebecca Graham, and I providing testimony, in support of LD 1364, *An Act to Prevent Opioid Overdose Deaths by Establishing Safe Consumption Sites*, on behalf of the Maine Municipal Association, which represents the interests of municipal government before the Legislature. The positions of the Association are established by our 70-member Legislative Policy Committee (LPC), who are elected by the councils and selectboards of municipalities in each of Maine's 35 Senate districts.

Municipal officials are deeply concerned about a public policy move to establish safe injection sites without necessary residential treatment facilities available in the state. They feel that such a policy move has only been in locations with wide and deep access to treatment options to eliminate the need for safe injection sites, which should be the ultimate public policy goal. Officials are aware that such sites have shown to reduce the public consumption of drugs which has become endemic in many areas of Maine however, they have not been shown to decrease crime related to drug use in the area, which is a deep concern for the same communities.

A frequent complaint from residents to municipal officials is the way in which their public spaces have been impacted with the allowance of needle exchanges with no disposal options, and the proliferation of discarded and dangerous material has had on their shared public spaces. While such sites may reduce the hazardous waste left in parks and along streets, officials are not convinced that enough individuals will purchase their drugs and then travel to a site to prevent this in a meaningful way.

Officials have heard from their colleagues in other states that businesses and residents flee from the neighborhoods where a site has been established with the exception of individuals and small business owners, often from minority communities, who do not have the capital or the ability to move elsewhere. This may make it unlikely that a municipality will actively pursue such an option as reviving neighborhoods is a usual municipal practice even in blighted areas.

Officials hope the committee will understand the balance necessary to have all treatment and enforcement pieces needed to adequately address the growing substance use cycle in Maine. It's not enough to keep people alive; we must also have resources to get them off the substance and stop the economy that causes the material to flow into the state. All three pieces need to be in place and officials hope the committee will move forward with a system view.

With regards to municipal approval of the sites, while officials appreciate that the bill requires municipal approval with a public engagement piece, the process in Sec. 1. does not mirror typical approval processes within town meeting towns or charter communities. Such approval should be

conducted within the current authority of the municipality, including but not limited to approval of the legislative body of the municipality and processes that address the appropriateness of the site, and adherence to all other planning reviews which frequently require multiple public hearings.

If the committee chooses to move forward with the bill officials ask that the approval process for municipalities match their home rule authority and allow for residents to have direct input into the approval process, particularly those homes and businesses that may be adversely impacted. Officials share the desire to stem the plague of substance use impacting our communities and hope that the Legislature will pursue all needed tools including expanded and abundant residential treatment facilities such as safe injection sites would play a key role in helping individuals recover. Municipalities and their residents want to destigmatize recovery as a public policy priority.