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MAINE PROSECUTORS ASSOCIATION **SHIRA BURNS, EXECUTIVE DIRECTOR**

“An Act to Remove all Marijuana-related Provisions from the Maine Criminal Code and Expunge all Convictions Involving Marijuana”

Before the Joint Standing Committee on Criminal Justice and Public Safety
Public Hearing Date: April 27, 2023 in front of the Joint Standing Committee of Judiciary
Testimony in Opposition of LD 1789

Senator Beebe-Center, Representative Salisbury and members of the Joint Standing Committee on Criminal Justice and Public Safety. My name is Shira Burns and I represent the Maine Prosecutors Association and the Office of the Attorney General. I am here to testify in opposition of LD 1789.

First, the Maine Prosecutors Association and the Office of the Attorney General join the Criminal Law Advisory Commission’s (CLAC) position that constitutional issues are raised in the language referring to “expungement” if meaning to vacate convictions or resentencing after a sentence has been finalized. This is all found in section 29 of the bill.

Second, in regard to the decriminalization of all marijuana crimes, the Maine Prosecutors Association and the Office of the Attorney General opposes this bill as it would legalize many sales of marijuana that can jeopardize public safety, including the safety of our youth. The following are some of the laws that would be decriminalized if this bill passed:

- 1) The sale of 20 or more pounds of marijuana with a child (currently a Class A crime);
- 2) The sale of 20 or more pounds of marijuana while armed with a firearm (currently a Class A crime);
- 3) The sale of 20 or more pounds of marijuana while on a school bus or within 100 feet of a school or a safe zone (currently a Class A crime);
- 4) The sale of 20 or more pounds of marijuana and the person enlists or solicits the aid of a child (currently a class A crime);
- 5) The sale of more than 1 pound of marijuana and the person enlists or solicits the aid of a child (currently a class B crime);
- 6) The sale or furnishing of drug paraphernalia used for marijuana to a person under the age of 16 (currently a Class D crime).

These class A crimes, our highest crime in the state of Maine besides murder, would be decriminalized even though it targets our youth and implicates firearms in these transactions. This is a public safety issue.

Cultivating, manufacturing, distributing or selling marijuana is currently regulated through Title 22, chapter 558-C (Maine Medical Use of Cannabis Act) and Title 28-B (Adult Use Cannabis Act). These laws and other enacted regulations are followed with the premise that if provisions are violated they are “subject to any additional criminal or civil penalties that may be imposed pursuant to other applicable laws or rules.” 28-B M.R.S. § 1504. However, with the removal of all of the crimes proposed in the bill, there is no adequate penalty to help secure compliance with the Maine Medical Use of Cannabis Act or Adult Use Cannabis Act.

For these reasons, the Maine Prosecutors Association and the Office of the Attorney General is in opposition to LD 1789.