

CLAC TESTIMONY
LD 1975 (NFNA)

TO: Senator Joseph Baldacci
Representative Michele Meyer
Joint Standing Committee on Health and Human Services

FR: Criminal Law Advisory Commission (CLAC)
c/o laura.yustak@maine.gov

RE: LD 1975, An Act to Implement a Statewide Public Health Response to Substance Use and Amend the Laws Governing Scheduled Drugs

DA: January 27, 2024

The Criminal Law Advisory Commission (CLAC)* respectfully submits the following testimony neither for nor against LD 1975. CLAC is commenting only on Part B of the bill.

In light of the extreme change to the Criminal Code contemplated by Part B, CLAC respectfully suggests that, if the Committee has not already done so, the Committee consider referring Part B of LD 1975 to the Joint Standing Committee on Criminal Justice & Public Safety or the Joint Standing Committee on Judiciary for additional input.

CLAC members also noted that there are potential unintended consequences to across-the-board decriminalization of all crimes of drug possession, including elimination of offenses that might be used to resolve more serious charges, such as furnishing or trafficking scheduled drugs.

CLAC is not offering testimony on the policy approach of legalization of possession of all scheduled drugs addressed in Title 17-A, Chapter 45 at this time.

*CLAC is an advisory body established by the Legislature. 17-A M.R.S. §§ 1351-1357. It consists of 9 members appointed by the Attorney General. Our current members include current defense attorneys, prosecutors, Maine Bar Counsel, and a retired practitioner with experience as defense counsel, prosecutor and in court administration. In addition, three sitting judges and one retired practitioner, appointed by the Chief Justice of the Supreme Judicial Court, and, by statute, the Co-Chairs of the Legislature's Committee on Criminal Justice and Public Safety, serve as consultants. The Supreme Judicial Court's Criminal Process Manager serves as liaison from the Court to CLAC. CLAC advises the Legislature on matters relating to crimes in the Criminal Code and in other Titles, the Bail and Juvenile Codes, and with respect to other statutes related to criminal justice processes.