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Susan Pinette, Clerk of the
Committee on Judiciary
c/o Legislative Information Office
100 State House Station
Augusta, ME 04333

SUBMITTED VIA EMAIL

RE: Public Hearing on LD753 and LD 779

Good day Honorable Members of the Judiciary Committee.

Thank you for this opportunity to present written testimony on the proposed legislation affecting Maine's criminal laws and access to criminal justice before you today. I am offering this testimony individually as the District Attorney for Aroostook County and not on behalf of any organization or other prosecutorial district.

I write in support of LD 753 and LD 779. While we know that these Bills seeking to facilitate an Adult Treatment and Recovery Court (ATRC) in Aroostook County is not a "silver bullet" or a complete answer to serious substance abuse problems in our communities; LDs 753 and 779, never-the-less, can be a significant part of the solution.

While the ultimate causes of drug abuse and addiction are as varied and individual as those caught in its powerful grasp, the effects of drug and substance abuse are too well known to the law enforcement community and the friends, neighbors, and families of the abuser. Those effects are concrete, widespread, and often tragic.

Within the last several years, even in an often idyllic and rural County like Aroostook, we have lost too many people to the dire consequences of drug abuse – some have been hospitalized or have died from self-poisoning by overdose; some have been injured, maimed, or have died at the hands of an intoxicated substance abuser operating a motor vehicle or ATV; some have succumbed to the years of abuse and expired years before their natural time; others, compelled by a seemingly insatiable hunger and desire for drugs, have preyed upon their communities committing thefts, ranging from the petty – by pilfering money, property, and prescription medications from family and friends – to the absolutely destructive – by invading people's homes and stealing money and property, or by raiding medicine cabinets, or by stripping buildings of copper wire and plumbing; by assaulting or robbing others, often to either acquire more drugs

or to settle some sort of drug debt, real or imagined; others resort to selling the very poison of their own addiction and spread their affliction to an ever-growing supply of new customers.

Our tools in responding to the drug problem are rough – jail and the threat of jail. Jail offers a deterrent, but only to those who will listen. Those who are not deterred often wait for a “bottom” before they seriously attempt to remove themselves from the influence of drugs and other drugged people. Far too often, that “bottom” comes at the expense of others – usually in the form of significant criminal activity. I do not see how we can, in good conscience wait for someone to kill, injure, maim, burglarize, rob, or steal before we step in and demand a “serious” response to a serious problem. These are only some of the more significant and serious consequences of drug and substance facilitated crime and not the equally destructive, painful, and far-too-often tragic social and economic effects of drug and substance abuse – like babies born drug-affected or other children caught in the crossfires of addiction.

We can seek to reduce the demand of drugs by limiting the number of people in Maine who start down the path of abuse and addiction by enacting tough laws to discourage those who will listen from being experimental and casual users of illicit substances. We can attempt to limit the supply of drugs into Maine by making it riskier to import, possess, and deliver those drugs within our borders. We need people to enforce those laws. Additionally, we can seek to give current users the tools they need to successfully leave the drugged life behind and to escape the heavy gravity that illicit drugs and the drug scene provides and create opportunities for a successful recovery process.

As my initial commentary would indicate, the criminal activity surrounding the abuse of illicit substances is not limited to drug trafficking and drug “crimes” alone. The scope of drug related crime expands into nearly every corner of the criminal justice system; from OUI enforcement to petty and grand thefts, to home invasions and burglaries, to crimes of violence and retribution, and even to fatal self-poisonings and drug-induced vehicular homicides.

LDs 753 and 779 focus on the creation of an ATRC in Aroostook County, which is both admirable and has the potential to significantly impact the lives of those Defendants in a positive and productive way. Ideally the creation of a Drug Court will have a positive impact across all facets of Aroostook County life. Increased education, increased access to treatment, and more treatment providers in the community are just some of those potential positive impacts.

The goal of any successful substance use program in the criminal justice system must balance the individual needs of a defendant without losing sight of the crime committed and the harm to the community that their conduct created. Accountability is an important facet of recovery. When we address the whole of the person, the good, the bad, and the in between then we can build bridges to successful reintegration with their community, even if those successes start small. As we gather small successes and build on them with the client, we will slowly exchange the external motivating factors of avoiding prison with internal, but concrete motivating ones like home, family, and work or education. Intervention will be a success when the client’s reasons for not doing drugs or alcohol outweigh their desire to use. In other words, we want to mitigate a defendant’s desperate desire to escape reality, not just by force and fear, but by making their reality better.

The drug problem facing Maine and Aroostook County is multi-faceted and complicated; and it requires a broad, community-based solution. LDs 753 and 779 and the creation of a Treatment and Recovery Court in Aroostook County will be an integral part of that solution.

Be Well and Stay Safe,



Todd R. Collins
District Attorney, Aroostook County