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LD 1288

Testimony in Opposition of LD 1288:
An Act to Amend Certain Provisions of Maine's Drug Laws Regarding Heroin,
Fentanyl and Cocaine

April 14, 2025

Senator Beebe-Center, Representative Hasenfus, and honorable Members of the
Committee on CJPS,

My name is Dr. Merideth Norris and I am speaking in opposition to LD 1288. I have been licensed to practice medicine in Maine for over 20 years and I have a board certification in Addiction Medicine. As such, I have known a lot of people who use drugs, and people who have sold drugs, and am very familiar with some of the realities that will be complicated by this bill.

When an individual is accused of a crime, the usual due process mandates that the evidence of guilt must be proven beyond a reasonable doubt, not inferred as a result of the amount of a substance in someone's possession. However, this bill assumes that in the case of "intent to distribute", we can read a person's mind simply by the volume of what they are holding in their home, and that they are therefore not entitled to due process. This bill will ensure that people possessing drugs for personal use will be substantially more likely to be charged with furnishing or trafficking charges.

Even disregarding the unconstitutional nature of denying due process and evidence of intent, there are other reasons this bill will not create the results it is seeking.

One is that a gram of a substance which tests positive for fentanyl is not the same as a gram of pure fentanyl. By the time any drug has reached Maine, it has been altered significantly, and is not in its pure state. The two grams I buy in Boston may affect me very differently than the two grams I buy in Machias, because those two grams will not contain the same amount of fentanyl.

Therefore, weighing a substance for the purpose of determining a crime is inappropriate, unless everyone will be bringing an organic chemist to the crime scene, who can then extract out only the pure substance to be weighed.

It is also worth noting that the current street supply is not long lasting in its chemical activity: it enters the system quickly and is processed quickly. As a result, an individual would need to use many times a day in order to remain out of withdrawal. Consequently, it would make good sense to buy a larger amount for personal use at one time, rather than going back and forth to the supplier, which would be much more risky. So over two grams may very well constitute an amount obtained for personal use.

Most importantly, possession of these drugs is already illegal, and that does not seem to have much impact on whether or not they are sold or trafficked. We are already arresting people and that has not been effective. I have yet to meet the person who says "I had planned to use drugs today, but now that the penalties are worse, I will just stay home." That is not how substance use disorder works.

What increased penalties DO accomplish, though, is that the price of street drugs is driven up, therefore incentivizing more criminal involvement in their sale, and more dangerous substances used. There has never, in the history of the United States been a time when supply side policy, or prohibition, has been effective at reducing substance use.

While it may sound reasonable that increasing penalties will reduce drug use or drug-related crimes, the reality of drug use tells us a different story. This bill will directly harm individuals with SUD and create more barriers to recovery. Rather than locking more people up, we should be investing in treatment and services. I urge this Committee to reject LD 1288.

Thank you for your time and I am open to questions.
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