

AARON M. FREY
ATTORNEY GENERAL



STATE OF MAINE
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0006

TEL: (207) 626-8800
TTY USERS CALL MAINE RELAY 711

REGIONAL OFFICES
84 HARLOW ST. 2ND FLOOR
BANGOR, MAINE 04401
TEL: (207) 941-3070
FAX: (207) 941-3075

125 PRESUMPCOT ST., SUITE 26
PORTLAND, MAINE 04103
TEL: (207) 822-0260
FAX: (207) 822-0259

14 ACCESS HIGHWAY, STE. 1
CARIBOU, MAINE 04736
TEL: (207) 496-3792
FAX: (207) 496-3291

***Testimony In Opposition of L.D. 1094
An Act Regarding the Allocation of Funds Awarded to
Maine Due to the Opioid Settlement***

Good morning, Senator Baldacci, Representative Meyer, and honorable members of the Health and Human Services Committee. My name is Aaron Frey, and I have the privilege of serving as Maine's Attorney General. I am here to testify in opposition to the proposed transfer from the Maine Recovery Fund ("Fund") set forth in L.D. 1094, *An Act Regarding the Allocation of Funds Awarded to Maine Due to the Opioid Settlement*.

The State of Maine, certain counties, certain municipalities, and certain school districts have been engaged in litigation against companies whose actions fueled the opioid crises. This work has resulted in a number of settlements that not only hold these companies responsible but also provide financial resources over the next 18 years to be directed toward abatement of the opioid crisis.

The use of these financial resources is governed by the court orders securing these settlements, which incorporate into the settlements and the court orders the memoranda of understanding reached between my office, the litigating counties and municipalities, and the litigating school districts. Under the terms of these documents, the Maine Recovery Council ("MRC") was established to direct the disbursement of recovery funds received through the settlements. This arrangement has been codified in statute. 5 M.R.S. § 203-B. Because the court's orders direct how these funds are distributed in Maine, opioid settlement funds are not available for direct appropriation by the Maine Legislature.

The Legislature has been provided the opportunity to influence the work of the MRC. Not only are the President of the Senate and the Speaker of the House (or their designees) members of the MRC, but the Legislature also has the ability to add up to 4 members. This power has already been exercised and 4 additional members were appointed, so that 6 of the 15 members of the MRC are appointed by the Legislature. 5 M.R.S. § 203-C. The Legislature is also invited to forward worthy opioid abatement proposals to the MRC for its consideration.

Finally, I take no position on the merits of the abatement proposals contained in L.D. 1094. I encourage vigorous consideration of all ideas aimed at confronting the ravages of the opioid crisis that have caused so much heartache to our family members, friends, communities, and state. The

ideas in this bill, if believed appropriate, may either be forwarded on to the MRC for its consideration or funded with sources that are directly available to the Legislature.

I urge the committee to vote Ought Not to Pass on the transfer of funds from the MRC under this bill.