

1/17/2024

Testimony in support of LD 1975

Good afternoon, Senator Baldacci, Representative Meyer, and Honorable Members of the Health and Human Services Committee, my name is Nick Loscocco and I am a resident of New Gloucester.

I am here today in support of LD 1975. I am a person who used to use drugs. I am now in long term recovery and have been working in the substance use treatment field for about 8 years. I have professional experience as a peer recovery coach and case manager working in harm reduction. I have also had the privilege of directing a recovery home, and I am now a certified drug counselor here in Maine.

I want to start by acknowledging the great strides that this state, our public safety and public health workers, the DOC, and many others have taken towards a more holistic approach to substance use in recent years. Nothing about my views or testimony is intended to diminish all the hard work that has been done and is currently being done. The efforts across the board so far are admirable. That said, there is no finish line with this issue. We must continue to make things better, and I think this legislation is just one more step in the right direction.

My support for this legislation is informed not only by my education and career in criminology, harm reduction, and substance use counseling, but also by enough personal drug use for a lifetime, and a deep love for people who use drugs. I am further influenced by the great pride and respect I hold for our constitutional republic, and for the promise of a free and equally protected society our founding documents are intended to protect.

As someone who has been working with substance use affected clients on a daily basis for many years now, I cannot tell you how many times I have come up against a justice system purported to protect and rehabilitate that in fact does the polar opposite. It has become so painfully clear, and beyond debate that our overly punitive approach to all crime, but especially drug use has not had the desired effect. Neither supply, nor demand for drugs have seen any meaningful declines

for decades. I have many friends and colleagues on the opposite side of this debate and even most of them will agree that criminalizing people who use drugs is wrong and ineffective, yet they refuse to acknowledge the need to just simply remove the mechanism for that criminalization: prohibition.

Not only do I believe it to be wrong, but this punitive approach is also quite often unconstitutional in its execution. It routinely harms poor communities far more than affluent communities; children of doctors and judges are just simply not “held accountable” for drug crimes like the kids of fishermen and sanitation workers are. Poor communities across this country, particularly communities of color, have been disproportionately targeted and overly policed, often with drug interdiction being the justification.

I continue to see the impact of such crimes and punishment on my clients every single day. Folks are prevented from getting employment, joining the military, or from getting certain loans including student loans- the list goes on and on and on. And all that simply because of convictions for possession of controlled substances. Were those folks offered opportunities for treatment along with those charges? Yes, in some cases. In others they were simply incarcerated without any real effort by the system to work towards anything even resembling treatment or supportive encouragement for healthier behaviors. People who use drugs deserve support and encouragement to make healthier choices, and the justice system has consistently proven itself inadequate at providing these things despite the astronomical budgets of police, the courts, jails, and prisons.

The other aspect of this issue for me personally has nothing to do with public health or substance use disorder, it is simply a civil liberties issue. Not only has prohibition often been unconstitutional in its execution, prohibition itself could be considered unconstitutional. In a supposedly free and equally protected society, we all have an inherent right to life, liberty, and the pursuit of happiness. These things are inherent in our being, and the Constitution of the United States and of Maine protects them from state infringement. All of our lives, liberties, and pursuits are self-defined. Provided my exercise of these do not infringe upon others' exercise of theirs, they ought to be free from government influence. Ingesting substances into my body-

over which I have an inherent right to complete and total control- does not infringe upon anyone else's life or liberty. Therefore, any outright prohibition of such behavior is and always has been repugnant to the constitution.

Simply put, our system of criminalizing people who use drugs and applying punitive consequences to them simply for exercising their liberties and for symptoms of their substance use disorder has been an unconstitutional failure. LD 1975 is just another important step to right the mistakes of our past. I encourage and Ought to pass on this bill.