

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 to *L.D. 1975 An Act to Implement a Statewide Public Health Response to Substance Use and Amend the Laws Governing Controlled Substances.***

Senator Baldacci, Representative Meyer, and honorable members of the Joint Standing Committee on Health and Human Services, my name is Aaron Frey, and I have the privilege to serve as Maine's Attorney General. I am here today to testify in opposition to *L.D. 1975 An Act to Implement a Statewide Public Health Response to Substance Use and Amend the Laws Governing Controlled Substances.*

My objections to Part A of the proposal are limited to the use of the Maine Recovery Council ("MRC") to advise the Department of Health and Human Services ("Department") on its duties and to provide approval for Department grant-making from a Substance Use, Health, and Safety Fund. MRC was established as part of the successful resolution of opioid litigation, which is contained in Memoranda of Understanding with political subdivisions and was confirmed in court orders settling opioid litigation. The purpose of the MRC is to see to the proper stewardship of funds received as part of designated opioid settlements, directing those resources to abate the significant harms of the opioid crises created by opioid manufacturers, distributors, and pharmacies. It would not be appropriate to create work for the MRC outside of its established duties.

With respect to Part B, I oppose the repeal of 17-A M.R.S. § 1107-A. The effect of this repeal would be to legalize possession of a wide range of drugs. I am concerned that blanket legalization of drug possession – some of which are highly addictive and at least one of which is extremely deadly – would normalize the activity, which has significant implications for public safety and public health. However, I would support an increase in the threshold for what constitutes a felony drug charge under 17-A M.R.S. §1107-A(1)(B) because the current 200-milligram threshold is not proportionate to the behavior at issue.

I do support Section B-3, which eliminates the civil violation for possession of drug paraphernalia. Previous legislation directed at harm reduction has removed the most significant items of drug paraphernalia (items used to ingest drugs) from the definition of paraphernalia. As such, repeal of the civil violation for the remaining items would be consistent.

The remaining sections of Part B are not of a substantive nature and contain revisions consistent with the repeal of 17-A M.R.S. §1107-A. If there is no repeal, the remaining sections should also be maintained.

Thank you for your attention to my testimony.