



**MAINE MUNICIPAL
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Testimony of the Maine Municipal Association

Neither For Nor Against

LD 1034 – An Act to Decriminalize Personal Possession of Therapeutic Amounts of Psilocybin for Adults

March 30, 2025

Senator Beebe-Center, Representative Hasenfus and distinguished members of the Criminal Justice and Public Safety Committee, my name is Rebecca Graham, and I am submitting testimony in ~~opposition to~~ ^{Neither for nor against} LD 1034, at the direction of MMA's Legislative Policy Committee (LPC). Our LPC is made up of individuals from across Maine with municipal officials elected by their peers across Maine's 35 Senate districts representing communities with very different access to available enforcement resources and local capacity.

Municipal officials expressed a desire to make sure that decriminalization efforts were proportional and matched to a reality that does not create a false sense of safety for federally designated scheduled drugs based on the experience that municipalities have endured through the decriminalization of cannabis products. As drafted, the bill makes possession of the equivalent of 8 doses of psilocybin as personal use for adults, when the amount is also extremely high depending on the form of the ounce in question. Many residents continue to have strong feelings about drug decriminalization efforts with the host of negative consequences they have experienced from the legal cannabis markets and divergent regulatory approaches.

Under current law, municipalities have used prosecutorial and enforcement discretion to actively direct resources away from perceived personal use of psilocybin, while also protecting the ability to use existing law where it makes sense due to the situational facts at play where criminal conduct is discovered or observed. Decriminalization for a full ounce proposed under LD 1034 would remove that discretion entirely which may have a host of unintended consequences.

It's worth noting that even in cities where ordinances have been adopted to direct enforcement priorities, the lingering threat of federal prosecution may negate the positive impact decriminalization has had in cities that have pursued similar approaches. While federal law enforcement and prosecutors could choose to make psilocybin enforcement in decriminalized cities a low priority, federal targeted arrests shows that they lack the intent to do so, while the defendants in those cases have been lulled into a false sense of security enabled by local ordinance adoption.

As such, the federal position on the continued enforcement against state and municipal decriminalization efforts may disproportionately leave people with mental health conditions, and racial minorities who have experienced trauma, exposed to criminal prosecution. Where the use of the drugs becomes increasingly available in those jurisdictions, it also makes them targets for federal enforcement, including increased testing of commercial drivers licensed (CDL) operators already struggling with our cannabis laws. Because even cannabidiol (CBD) usage for pain and inflammation can also create positive

tests for THC in violation of federal regulation, additional decriminalization efforts of other scheduled drugs may result in greater testing because of a federal enforcement focus. This may adversely impact operators holding public works positions for those individuals who possess a CDL. For these reasons, officials ask that you examine the potential unintended consequences of LD 1034. It may be a better approach to allow existing discretionary enforcement to remain in place until there is less of a threat for undesirable federal attention.