

# Maine PRISONER ADVOCACY Coalition



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## **Testimony Against LD 1200 to the Committee on Criminal Justice and Public Safety**

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Senator Beebe-Center, Representative Hasenfus, and distinguished members of the Committee:

My name is Peter Lehman and I live in Thomaston. I am a formerly incarcerated citizen and a person in long-term recovery.\* I am testifying on behalf of the Maine Prisoner Advocacy Coalition and our commitment to public safety and the health of our communities. That is why we oppose this bill.

Did you know that it's illegal in Maine to "inhale, ingest, apply or smell the gases, vapors or fumes" of just about anything "for the purpose of causing intoxication, euphoria, inebriation, excitement, stupefaction or the dulling of that person's brain or nervous system?" (MRSA Title 22.Part 5, Ch 558 §2383-C) Except, of course, alcohol and caffeine.

Tobacco is not excluded in that section but for those of us who smoke or used to, we seem to have regularly violated this statute. The same with our morning coffee "fix" not to mention helium from balloons.

But the statute doesn't make it illegal to **possess** the cigarette or the balloon.

For nitrous oxide, this bill seeks to remedy this error, throwing the equivalent of balloons, into the black market. Make no mistake, **this bill criminalizes nitrous oxide paraphernalia**. And that will have the usual effect: prices will go up and people who seek it will have to engage in transactions with criminals, probably lurking in dark parking lots in the dead of the night.

And they won't know what they are getting because labeling (and purity) requirements are no longer relevant even if you could read the label in that dark parking lot.

It is clear to us that this scenario **REDUCES public safety** without adding any benefit.

It is not clear to us why the State of Maine should decide what we "smell, ingest, apply or smell" or why "intoxication, euphoria, inebriation, [or] excitement" is a crime.

Let's not expand the drug war again. Please defeat LD 1200.

Thank you for your attention. I'll be happy to try to answer any questions.

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\* In the interest of honesty and disclosure, a personal background statement is available on request.