



**Senator Eric L. Brakey**  
*Chair, Health and Human Services*  
3 State House Station  
Augusta, ME 04333-0003  
(207) 406-0897  
[sen.eric.brakey@gmail.com](mailto:sen.eric.brakey@gmail.com)

**Testimony of Senator Eric Brakey before the  
Joint Standing Committee on Criminal Justice and Public Safety**

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**LD 113, An Act to Reduce the Penalties for Certain Drug Offenses**

Senator Rosen, Representative Fowle, and distinguished members of the Committee on Criminal Justice and Public Safety, my name is Senator Eric Brakey and I represent the people of Auburn, New Gloucester, Poland, Minot and Mechanic Falls. I am here to do as a co-sponsor for LD 113, "An Act To Reduce the Penalties for Certain Drug Offenses."

There are many reasons we should adopt this legislation, and today I am going to focus on many of reasons why, as a fiscal conservative, this is good economic policy.

Let's look at the cost to Maine taxpayers of our current system. Arresting and housing people in jails for addiction costs hundreds of millions of dollars, for little return on investment.

In the big picture, Maine's criminal justice system costs taxpayers an estimated \$571 million per year (accounting for law enforcement, adjudications, and corrections). This includes more than \$153 million on corrections alone. It costs between \$110 and \$130 a day to incarcerate an individual in Maine's jails and prisons.

When we focus specifically on drug law offenses, the total costs of punishment (law enforcement, adjudication, corrections) was nearly \$60 million in 2010 alone. Also consider that, of all drug arrests in 2012, 78.9 percent were possession violations – not the sale and manufacture of drugs.

The rise in drug arrests has not curbed the use of drugs: according to the Maine Office of Substance Abuse, between 2004 and 2013 the number of Mainers seeking drug treatment for opiates jumped from 2,291 to 4,801.

Treatment costs the taxpayer much less, and gets better results. As long as the demand for illicit drugs exists (addiction), there will always be suppliers to fill the need (dealers). Locking up addicts, and even dealers, cannot logically lower addiction rates. Investing in treatment, rather than incarceration, is the smarter use of tax dollars.

People with felony convictions — even non-violent drug convictions — face lifetime barriers to employment and education — leaving them with few opportunities. For many, this inevitably leads back to the criminal justice system. Most employers require applicants to disclose whether or not they have a felony conviction, and many will not considering hiring those that do. Many higher education institutions, including the entire University of Maine System, require applicants to disclose felony convictions.

We should be very clear that this bill does not make possession of drugs legal. The bill simply seeks to bring the penalty back in line with other possession offenses. In doing so, LD 113 will help Mainers beat addiction and help them get a second chance at life. Once branded felons, Mainers face permanent barriers to obtaining employment, housing and other crucial services. Downgrading low-level drug offenses will help free up resources to invest in treatment and prevention programs and better support Mainers on the path to recovery.