

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 of Attorney General Frey in Opposition to LD 967
April 30, 2021

Senator Deschambault, Representative Warren and members of the Criminal Justice and Public Safety Committee, I am Aaron M. Frey, I live in Bangor, and I am honored to serve as Maine's Attorney General. I am writing in opposition to LD 967, *An Act To Make Possession of Scheduled Drugs for Personal Use a Civil Penalty*, as it is presently written. While I support making significant reforms to our criminal justice system and reducing criminalization of possession of drugs for personal use by individuals struggling with substance use disorder ("SUD"), the wholesale decriminalization of possession of dangerous drugs is a step too far at this time.

At the outset, I want to recognize that the significant impact an SUD has on individuals, families, and our communities. The ravages of the opioid crises reach to all corners of our state. My office is about to officially release that 504 individuals lost their life because of a drug overdose in 2020 and that last month, alone, 55 individuals are suspected to have succumbed to a drug overdose. Many of these deadly overdoses are attributable to non-pharmaceutical opioids. It is imperative that we marshal resources and dedicate our attention to addressing this public health crisis.

The objective of our efforts should be focused on how to best connect individuals struggling with an SUD with the support they need on the path to their recovery. There is no one way to direct an individual down this path of recovery, and it may not often be a straight line. Different groups and systems may be involved in intervening when an individual is in crisis and motivating the individual during their recovery. At present, one of these systems is the criminal justice system.

Drug Task Force prosecutors in my office and the elected District Attorneys work in a variety of ways to encourage individuals charged with possessing illegal drugs to engage in treatment for SUD. These practices include delaying or deferring case dispositions, reducing level of crime charged, and dismissing charges. While not ideal, the experience of these prosecutors is that when individuals suffering from an SUD are charged with crimes related to their addiction,

That said, I do not believe that jail and fines treat SUD. Work needs to be done to create treatment options and access to those options by those seeking recovery. At the same time, as options and access are improved, work should be done to reduce the role our criminal justice system plays in addressing an individual's SUD. My office has previously articulated support for a variety of proposed reforms to Maine's drug laws, and I continue to be available to work with all those who seek to ensure all resources and systems are best calibrated to supporting an individual's path to recovery.

It is for the reasons expressed in this testimony that I oppose this legislation as written. I am happy to answer any questions, and I will make sure to be available for the work session.