

MAINE STATE LEGISLATURE

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L.D. 1975

Date: 4/8/24

(Filing No. H-931)

HEALTH AND HUMAN SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1266, L.D. 1975, "An Act to Implement a Statewide Public Health Response to Substance Use and Amend the Laws Governing Scheduled Drugs"

Amend the bill by striking out the title and substituting the following:

'Resolve, to Establish the Task Force to Study Changes to the Legal Status of Scheduled Drugs'

Amend the bill by striking out everything after the title and inserting the following:

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation establishes the Task Force to Study Changes to the Legal Status of Scheduled Drugs; and

Whereas, this legislation must take effect before the expiration of the 90-day period so that the task force may timely meet and make its report to the Legislature; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Task Force established. Resolved: That the Task Force to Study Changes to the Legal Status of Scheduled Drugs, referred to in this resolve as "the task force," is established.

Sec. 2. Task Force membership. Resolved: That, notwithstanding Joint Rule 353, the task force consists of 16 members as follows:

- 1. Two members of the Senate appointed by the President of the Senate, including one member of the party holding the largest number of seats in the Legislature and one member of the party holding the 2nd largest number of seats in the Legislature;

COMMITTEE AMENDMENT

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1 2. Two members of the House of Representatives appointed by the Speaker of the
2 House of Representatives, including one member of the party holding the largest number
3 of seats in the Legislature and one member of the party holding the 2nd largest number of
4 seats in the Legislature;

5 3. A representative of the substance use disorder harm reduction community, appointed
6 by the President of the Senate;

7 4. A representative of the substance use disorder prevention community, appointed by
8 the President of the Senate;

9 5. A representative of a civil rights organization whose primary mission includes the
10 advancement of social justice, appointed by the Speaker of the House;

11 6. A representative of the substance use disorder treatment community, appointed by
12 the Speaker of the House;

13 7. A representative of the substance use disorder recovery community, appointed by
14 the Speaker of the House;

15 8. The Attorney General or the Attorney General's designee;

16 9. The Commissioner of Health and Human Services or the commissioner's designee;

17 10. The Commissioner of Public Safety or the commissioner's designee;

18 11. The president of the Maine Prosecutors' Association or the president's designee;

19 12. The president of the Maine Association of Criminal Defense Lawyers or the
20 president's designee;

21 13. The president of the Maine Sheriffs' Association or the president's designee; and

22 14. The president of the Maine Chiefs of Police Association or the president's designee.

23 **Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate chair
24 and the first-named House of Representatives member is the House chair of the task force.

25 **Sec. 4. Appointments; convening of task force. Resolved:** That all
26 appointments must be made no later than 30 days following the effective date of this
27 resolve. The appointing authorities shall notify the Executive Director of the Legislative
28 Council once all appointments have been completed. After appointment of all members,
29 the chairs shall call and convene the first meeting of the task force. If 30 days or more after
30 the effective date of this resolve a majority of but not all appointments have been made, the
31 chairs may request authority and the Legislative Council may grant authority for the task
32 force to meet and conduct its business.

33 **Sec. 5. Duties. Resolved:** That the task force shall:

34 1. Review activities in other states that address the decriminalization or the increase
35 in legal possession limits of scheduled drugs;

36 2. Review scholarly research on the decriminalization or the increase in legal
37 possession limits of scheduled drugs;

38 3. Consider the impact of decriminalizing or increasing legal possession limits of
39 scheduled drugs on:

40 A. Public health and safety, including on the incidence of overdose;

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- 1 B. The criminal justice system, including on drug courts;
- 2 C. Access to substance use disorder treatment; and
- 3 D. Child welfare and the incidence of domestic violence; and

4 4. Consider how deflection and diversion from the criminal justice system of
5 individuals with substance use disorder impacts the short-term and long-term outcomes of
6 those individuals.

7 **Sec. 6. Staff assistance. Resolved:** That the Legislative Council shall provide
8 necessary staffing services to the task force, except that Legislative Council staff support
9 is not authorized when the Legislature is in regular or special session.

10 **Sec. 7. Report. Resolved:** That, no later than November 6, 2024, the task force
11 shall submit to the Joint Standing Committee on Criminal Justice and Public Safety and to
12 the Joint Standing Committee on Health and Human Services a report that includes its
13 findings and recommendations, including suggested legislation. The joint standing
14 committees may report out legislation related to the report to the 132nd Legislature in 2025.

15 **Emergency clause.** In view of the emergency cited in the preamble, this legislation
16 takes effect when approved.'

17 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
18 number to read consecutively.

19 **SUMMARY**

20 This amendment replaces the bill with a resolve and adds an emergency preamble and
21 clause. The amendment establishes the Task Force to Study Changes to the Legal Status
22 of Scheduled Drugs. The task force consists of 16 members, and its duties include review
23 of activities in other states that address the decriminalization or the increase in legal
24 possession limits of scheduled drugs; review of scholarly research on the decriminalization
25 or the increase in legal possession limits of scheduled drugs; consideration of the impact of
26 decriminalizing or increasing legal possession limits of scheduled drugs on public health
27 and safety, including on the incidence of overdose; consideration of the impact of
28 decriminalizing or increasing legal possession limits of scheduled drugs on the criminal
29 justice system, including on drug courts; consideration of the impact of decriminalizing or
30 increasing legal possession limits of scheduled drugs on access to substance use disorder
31 treatment; consideration of how deflection and diversion from the criminal justice system
32 of individuals with substance use disorder impacts the short-term and long-term outcomes
33 of those individuals; and consideration of the impacts of decriminalizing or increasing legal
34 possession limits of scheduled drugs on child welfare and the incidence of domestic
35 violence. No later than November 6, 2024, the task force must submit to the Joint Standing
36 Committee on Criminal Justice and Public Safety and to the Joint Standing Committee on
37 Health and Human Services a report that includes its findings and recommendations,
38 including suggested legislation. The joint standing committees may report out legislation
39 related to the report to the 132nd Legislature in 2025.

40 **FISCAL NOTE REQUIRED**

41 (See attached)



131st MAINE LEGISLATURE

LD 1975

LR 1689(02)

An Act to Implement a Statewide Public Health Response to Substance Use and Amend the Laws Governing Scheduled Drugs

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-931)
Committee: Health and Human Services
Fiscal Note Required: Yes

Fiscal Note

Legislative Cost/Study

Legislative Cost/Study

The general operating expenses of this study are projected to be \$1,400 in fiscal year 2023-24 and \$1,650 in fiscal year 2024-25. The Legislature's budget for the 2024-2025 biennium includes \$14,500 in each of fiscal years 2023 and 2024-25 for the costs of legislative studies, as well as \$38,909 of balances carried over from prior years for this purpose. Whether these amounts are sufficient to fund all studies will depend on the number of studies authorized by the Legislative Council and the Legislature. The additional costs of providing staffing assistance to the study during the interim can be absorbed utilizing existing budgeted staff resources.

Fiscal Detail and Notes

Any additional costs to the Office of the Attorney General; the Department of Public Safety and the Department of Health and Human Services associated with participating on the taskforce are expected to be minor and can be absorbed within existing budgeted resources.