

MMA 2023 Legislative Priority Requests

The Maine Medical Association is seeking 2023 Legislative Priority Request for the upcoming session starting in January. Nearly Everything you do each day, from initial licensing through retirement is governed or directed by some federal or state law, or rule/regulation. In politics, people and professionals are often in a position where either they can influence decisions made on their behalf or have someone else make them for you.

Beginning now through Labor Day, September 5, 2022, we are welcoming all Maine specialty societies, MMA committees, and any individual MMA member to identify priority issues, what change is needed, how to change it, and what personal or organization resources and relationships may be available to help MMA.

Following the receipt of all priority issues, the MMA's Legislative Committee (meeting in October) will narrow down 5-10 priority topics to help guide the MMA Board in its finalizing process for the 2023-2024 State Legislative Platform.

Instructions:

Please provide background information on the priority issue of your choosing. Both anecdotal and statistical evidence are very helpful and welcomed. Describe the key points/aspects of the issue, what needs to change. Finally, please propose a call to action/how to change.

All MMA legislative priority requests and/or questions can be sent directly to MMA Director of Communications and Government Affairs, **Dan Morin** at dmorin@mainemed.com or MMA's new Public Health and Government Affairs Associate, **Mikenzie Dwyer** at mdwyer@mainemed.com. They can also be reached by calling the MMA Government Affairs office phone at (207) 480-4199.



Maine Medical Association

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Andrew B. MacLean, JD, CEO | Dan Morin, Director of Communications & Government Affairs

BACKGROUND

KEY POINTS

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LEGISLATIVE REQUEST



Reform Drug Sentencing Laws

BACKGROUND

Maine's drug sentencing laws should be reformed and that more alternatives to prison - like drug treatment and other programs – should be offered. Maine's current laws do not reflect how people with substance use disorder use drugs. State law currently sets arbitrary weight limits on illegal drugs and are being used to determine whether someone is prosecuted as a drug user or trafficker, regardless of intention. Those distinctions can mean the difference between a misdemeanor or a felony charge

In Maine law, carrying more than 200 milligrams of “schedule W” drugs — cocaine, oxycodone, or methamphetamine or heroin — would trigger a felony-level charge. In many cases, people with substance use disorder are using much more. In some cases, patients in treatment are usually using two to three grams a day of heroin or fentanyl and some are using up to five grams. Occasionally, patients are being treated after using up to 10 grams over two days.

Several states have lowered penalties for possession of small amounts of drugs while maintaining or increasing penalties for larger quantities and drug trafficking offenses. Many states have recently revised some mandatory penalties, especially for nonviolent and drug offenses, and at least nine states have lowered some drug possession crimes from a felony to a misdemeanor.

KEY POINTS

- Preserves costly prison space for the most serious offenders and authorizing treatment-based alternatives for others.
- Drug use is not an issue for the criminal legal system to fix. It is not intended to be a provider of health care.
- The resources we use arresting and jailing people for drug use would be much more effective if we reinvested them in a public health response. Currently, it costs more to keep someone overnight in jail than it does to provide rehabilitation.
- Half of the women in prison are there for simple possession charges and many are mothers.
- There are not enough rehabilitation openings and those with substance use disorder often leave jail no better off than when they entered.
- Data from the U.S. and around the world suggests that treating problematic drug use as a health issue, not a criminal one, is a more successful model for keeping communities healthy and safe. Treating drug use as a criminal legal issue has caused immeasurable amounts of harm to individuals, families, and communities.
- Thirty-nine states do not use weight as a method of determining trafficking. The entire South

LEGISLATIVE REQUEST

Bring Maine in line with other states that have reformed their drug sentencing laws to reduce the incarceration of people struggling with substance use disorder. We suggest amending state law to require prosecutors to prove that someone has the intention of trafficking. In addition, amend state law(s) to end some felony charges based on prior possession convictions, as well as decriminalize needle possession, and eliminate crack/powder cocaine charging disparities.