



TESTIMONY OF MICHAEL KEBEDE, ESQ.
LD 1366– Ought to Pass

**An Act to Amend Certain Provisions of the
Drug Laws Related to Cocaine Base**

Joint Standing Committee on
Criminal Justice & Public Safety

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Senator Beebe-Center, Representative Hasenpus, and distinguished members of the Joint Standing Committee on Criminal Justice and Public Safety, greetings. My name is Michael Kebede, and I am Policy Director at the ACLU of Maine, a statewide organization committed to advancing and preserving civil rights and civil liberties guaranteed by the Maine and U.S. Constitutions. On behalf of our members, we urge you to support LD 1366.

Under current law, a person is guilty of aggravated illegal importation of a scheduled drug if they illegally import 112 or more grams of cocaine or 32 or more grams of cocaine base, which is also known as crack.¹ In other words, for purposes of establishing the Class A crime of aggravated illegal importation, Maine law treats 1 unit of crack cocaine the same way it treats 3.5 units of powder cocaine. If enacted, this bill would help ensure that Maine law treats all forms of cocaine – powder and crack – as the same, uniformly applying the 112-gram threshold for aggravated illegal importation of cocaine instead of having a lower threshold for crack cocaine.

Congress moved in 1984 to create mandatory minimum sentences primarily aimed at drug and violent crimes. The most infamous mandatory minimum sentences created were for cocaine, where the crack cocaine/powder cocaine disparity first appeared in law—the same penalty applied to 5 grams of crack was applied to 500 grams of powder cocaine. Maine’s crack cocaine/powder cocaine disparities are very low in comparison, applying a 1:3.5 disparity instead.

These ratios are a vestige of bad science, when lawmakers thought crack was much more dangerous than powder cocaine, and bad policy, when lawmakers attempted to punish people out of using drugs. We know better now. There is nearly no chemical difference between the two substances, and their potency is the same. But, because crack is cheaper than powder, the disparity has the effect of treating wealthier people more leniently than people with less money. This enforces a two-tiered system of justice, where people with money are subject to different penalties than people without – for behaviors that are essentially the same.

¹ 17-A MRSA §1118-A (1)(C).



As policymakers, you have made great strides to ensure the law treats people who use drugs more fairly and with compassion and empathy. We urge you to continue on that path and vote *ought to pass*.