



**Testimony in Support of LD 1366:
An Act to Amend Certain Provisions of the Drug Laws Related to Cocaine Base**

April 14, 2025

Senator Beebe-Center, Representative Hasenfus, and Honorable Members of the Criminal Justice & Public Safety Committee,

My name is Tess Parks. I am the Policy Director of the Maine Recovery Action Project (ME-RAP), a grassroots network of Mainers working on community and public policy based solutions to substance use. I am here today testifying in support of LD 1366.

For decades, laws across the United States — including here in Maine — have imposed dramatically harsher penalties for offenses involving cocaine base compared to powder cocaine, despite their pharmacological similarity. These differences in sentencing are not grounded in science or public safety, but rather stem from outdated and racially charged assumptions dating back to the 1980s, when the federal government and many states disproportionately punished crack cocaine offenses.

This disparity has had devastating consequences, particularly for Black and brown communities. Black individuals have been far more likely to be charged and sentenced under laws targeting cocaine base, even though rates of drug use are comparable across racial groups. According to data from the *Prison Policy Initiative*¹, Black people are imprisoned at a rate of 9.2 times higher than white people in Maine's carceral system. In 2021, Black people in Maine accounted for 11% of those in prison but made up only 1% of the state's overall population². Furthermore, cocaine base has historically been cheaper than powder cocaine, leading to higher usage rates among lower income populations. As a result, low-income Mainers are disproportionately impacted by the threshold disparities between cocaine base and powder cocaine.

This bill takes two meaningful steps toward correcting that injustice. First, it eliminates the elevated penalty for possession of more than 4 grams of cocaine base for individuals with prior drug convictions. This change recognizes that prior convictions should not automatically result in disproportionate sentencing for the same substance in a different form.

Secondly, it removes the threshold disparity for charging the crime of aggravated illegal importation of scheduled drugs. Currently, a person can face a Class A felony for importing far less cocaine base than for importing powder cocaine. This bill aligns the treatment of both forms of the drug.

By passing this bill, Maine would be taking a principled stand for fairness, justice, and evidence-based policy. I urge this committee to support LD 1366.

Thank you for your time, and I'd be happy to answer any questions.

¹ https://www.prisonpolicy.org/blog/2023/09/27/updated_race_data/#compare

² <https://www.prisonpolicy.org/profiles/ME.html>

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