



Permanent Commission RACIAL, INDIGENOUS & TRIBAL POPULATIONS

Testimony Neither for Nor Against LD 2126

An Act to Eliminate the Juvenile Crime of Willful Refusal to Pay a Fine or Comply with the Terms of a Court Order

Presented to the Joint Standing Committee on Judiciary

January 22, 2026

Senator Carney, Representative Kuhn and members of the Joint Standing Committee on Judiciary, my name is Sam Zuckerman. I am the Policy Coordinator of the Permanent Commission on the Status of Racial, Indigenous, and Tribal Populations. I am submitting this testimony on behalf of the Permanent Commission's Policy Committee neither for nor against LD 2126, "An Act to Eliminate the Juvenile Crime of Willful Refusal to Pay a Fine or Comply with the Terms of a Court Order."

The Permanent Commission's Policy Committee broadly supports legislation that would make systemic reforms to Maine's criminal legal system through diversion and mitigation of collateral consequences for impacted individuals. I am here to provide relevant information and context about disparate impacts of the criminal legal system on youth of color to help in your consideration of this bill.

Both nationally and in Maine, children and young adults who are people of color are overrepresented in our criminal legal system.¹ 17% of children who have been subject to juvenile confinement are children of color and 13% are Black.² 35% of young Black men between 18 and 24 have had contact with the Maine corrections system, while only 15% of white men have.³ One

¹ Foley, J., & King, E. (2022). EMERGING ADULTS: An Analysis of Young Adults with Justice System Histories in Maine. Portland, ME: University of Southern Maine, Catherine Cutler Institute.

² See note 1, page 8.

³ See note 1, page 8.

study found that, at the time of data collection, 31% of 18-24 year olds that were incarcerated were people of color, 22% were Black, and 6% were indigenous.⁴

The reasons driving disparities in our criminal legal system are increasingly complex. For youth, education is a major factor. Zero tolerance policies and increased use of school resource officers in public schools push children, frequently children of color, out of schools and into the legal system at a young age.⁵ In 2022, Portland Public Schools released survey findings that Black students in the district were suspended at 1.5 times their enrollment rate. Black students in Portland Middle Schools made up only 28% of the student population but received 47% of suspensions.⁶ Statewide, Black students were suspended at about twice their enrollment rate between 2013 and 2018, Indigenous and Latino students were suspended at or above their enrollment rates, and white and Asian students were suspended at or below their enrollment rates.⁷ A student's race is the most predictive attribute in explaining disciplinary disparities, even when student behavior is controlled for.⁸

When we're talking about youth involvement with the criminal legal system, talking about education factors matters because implicit and explicit bias in schools, along with compounding factors such as hunger, housing, and wealth inequality, can lead to high rates of truancy and low performance in students.⁹ And frequent suspensions are associated with increased rates of introduction to the legal system.¹⁰ Wealth and income inequality is also a factor here.¹¹ The median household income for Black families in Maine was \$55,000 in 2023,

⁴ See note 1, page 8.

⁵ Losen, D. J, Hodson, C. L, Keith II, M. A, Morrison, K., & Belway, S. (2015). *Are we closing the school discipline gap?* UCLA: The Civil Rights Project / Proyecto Derechos Civiles.

⁶ Maine ACLU. (2017). We Belong Here, Eliminating Inequity in Education for Immigrants and Students of Color in Maine. https://www.aclumaine.org/sites/default/files/webelonghere_report.pdf

⁷ Office for Civil Rights. (2024). Maine. US Department of Education. <https://civilrightsdata.ed.gov/profile/us/me?surveyYear=2020>.

⁸ Skiba, R., Michael, R.S., & Nardo, A.C. (2000). The Color of Discipline: Sources of Racial and Gender Disproportionality in School Punishment. US Department of Education Office of Educational Research and Improvement. <https://files.eric.ed.gov/fulltext/ED468512.pdf>; Welsh, R.O., & Little, S. (2018). The school discipline dilemma: A comprehensive review of disparities and alternative approaches. *Review of Educational Research*. 88(5), p. 752-794.

⁹ American Psychological Association. (2017). Education and Socioeconomic Status.

<https://www.apa.org/pi/ses/resources/publications/education>; Rothstein, R. (2017). *The Color of Law: A Forgotten History of How our Government Segregated America*. Liveright Publishing.

¹⁰ Losen, D. J, Hodson, C. L, Keith II, M. A, Morrison, K., & Belway, S. (2015). *Are We Closing the School Discipline Gap?* UCLA: The Civil Rights Project / Proyecto Derechos Civiles. <https://escholarship.org/uc/item/2t36g571>; Skiba, R.J., Arredondo, M.I., & Williams, N.T. (2014). More than a metaphor: The contribution of exclusionary discipline to a school-to-prison pipeline. *Equity and Excellence in Education*. 47(4), p. 546-564.

¹¹ Permanent Commission on the Status of Racial, Indigenous, and Tribal Populations. 2024. State of Racial Disparities Report. Pages 5-6. https://www.pcritp.me/sites/pcritp.me/files/inline-files/State_of_Disparities.pdf

while for white families the median was \$70,000.¹² And in 2022, while 10.2% of white Mainers lived below the poverty line, 29% of Black Mainers did.¹³ Thank you for your time and attention. Our website has additional resources on disparities in Maine if you want more information.¹⁴

¹² US Census Bureau. (2023). Median Household Income in the past 12 months (in 2022 inflation adjusted dollars). American Community Survey, ACS 1-Year Estimates Subject Tables, Table B19013. <https://data.census.gov/table?q=B19013>.

¹³ US Census Bureau, US Department of Commerce. (2023). Median Income in the Past 12 Months (in 2023 Inflation-Adjusted Dollars). American Community Survey, ACS 1-Year Estimates Subject Tables, Table S1903.

<https://data.census.gov/table/ACSST1Y2023.S1903?q=Maine&t=Income and Poverty&y=2023>.

¹⁴ Permanent Commission on the Status of Racial, Indigenous, and Tribal Populations. <https://www.pcritp.me/>