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TESTIMONY OF MICHAEL KEBEDE, ESQ.

**Ought to Pass**

**LD 1432 - An Act to Amend the Law  
Governing Racial Impact Statements**

**LD 1948 - An Act to Amend the State's Data  
Governance Program Regarding Proprietary Data**

Joint Standing Committee on  
State and Local Government

February 6, 2024

Senator Nagle, Representative Stover and members of the Joint Standing Committee on State and Local Government, good afternoon. My name is Michael Kebede, and I am Policy Counsel for the American Civil Liberties Union of Maine, a statewide organization committed to advancing and preserving civil liberties guaranteed by the Maine and U.S. Constitutions. On behalf of our members, we urge you to support LDs 1432 and 1948.

These bills would mark important steps in our journey to creating a more just and equitable Maine. The racial disparities we see in housing, employment, education, health care, wealth, poverty, and interactions with the criminal legal system — and in every other aspect of life — are not an accident.

For instance, the racial disparities in who is arrested for cannabis possession in Maine are startling: a 2020 ACLU study found that Black people in Maine were four times more likely than white people to be arrested for cannabis possession in 2018, though both groups use cannabis products at the same rate.<sup>1</sup> In York County, Black people were more than twelve times more likely than white people to be arrested for cannabis possession.<sup>2</sup> These disparate arrest rates do not reflect a disparate rate of possession of cannabis; instead, they reflect a racially disparate

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<sup>1</sup> *A Tale of Two Countries Racially Targeted Arrests in the Era of Marijuana Reform*, ACLU, July 1, 2020, at 68, [https://www.aclu.org/sites/default/files/field\\_document/tale\\_of\\_two\\_countries\\_racially\\_targeted\\_arrests\\_in\\_the\\_era\\_of\\_marijuana\\_reform\\_revised\\_7.1.20\\_0.pdf](https://www.aclu.org/sites/default/files/field_document/tale_of_two_countries_racially_targeted_arrests_in_the_era_of_marijuana_reform_revised_7.1.20_0.pdf)

<sup>2</sup> *Id.*

rate of police interactions with the public and a disparate rate of who police arrest when they interact with the public.

Arrests for cannabis possession are only one example. No matter the circumstance, the racial disparities in outcomes ranging from health and education to wealth and incarceration did not happen by accident, and they did not happen overnight. They are the result of a complex, yet deliberate, set of factors and systems designed to assist white Americans while actively harming and neglecting people of color in this country.

For the most part, we have moved past lawmaking that specifically targets racial and ethnic minorities for worse treatment. But as our experience with drug enforcement has shown us, it doesn't matter if our laws are "race neutral." All lawmaking interacts with historical racial inequities that persist today. Unless legislators are vigilant and intentional about their lawmaking, we will keep cementing these inequities, even if unintentionally.

To be vigilant and intentional, legislators need data to inform their decisions in every aspect of lawmaking. Just as you should consider the potential fiscal impacts of a bill, you should also know if a bill may have unequal effects on historically disadvantaged racial and ethnic groups. Racial impact statements will help you gather this data so you can have all the information you need to legislate fairly and justly.

LD 1432 would create a four-year, limited-time position in the Legislature's Office of Policy and Legal Analysis (OPLA) to track and provide information about the demographic impacts of legislation. LD 1948 would, among other things, generate a statewide plan to fulfill the mandate of the 130<sup>th</sup> Legislature's LD 1610, which established a data governance program and required each state agency to designate one employee to ensure compliance. LD 1948 would facilitate this by directing the Department of Administrative and Financial Services (DAFS) to work with the Permanent Commission on the Status of Racial, Indigenous and Tribal Populations. See 1 MRS § 547.

Taken together, these bills would give legislators a more complete picture of the likely impacts of their lawmaking. We urge you to vote *ought to pass*.