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April 14, 2025

Testimony of Representative Nina Milliken presenting
LD 1366, An Act to Amend Certain Provisions of the Drug Laws
Related to Cocaine Base
Before the Joint Standing Committee on Criminal Justice and Public Safety

Good afternoon, Senator Beebe-Center, Representative Hasenfus, and friends and colleagues on the best committee in the Maine Legislature. My name is Nina Milliken, and I am lucky to represent the communities of Blue Hill, Brooksville, Castine, Sedgwick, Surry and Trenton in the Maine House. I am happy to be here today to present my bill **LD 1366, An Act to Amend Certain Provisions of the Drug Laws Related to Cocaine Base**.

As the law currently stands in Maine, a person found in possession of 14 grams of cocaine faces the same charge as someone found with only four grams of crack cocaine. When it comes to importation, the threshold is 112 grams for cocaine, but just 32 grams for crack. This bill seeks to eliminate that disparity and treat these chemically similar substances the same under Maine law.

In 2021, the Legislature took a significant step forward by passing LD 1675, which eliminated similar disparities for the crimes of furnishing and trafficking. However, the disparity between crack and cocaine for possession and importation were left out of that reform. This bill corrects what I believe was a simple oversight in LD 1675.

This is not just a matter of policy—it's a matter of justice. Crack has long been associated with lower-income communities, while powder cocaine is more often linked with wealthier, white individuals. The disparity in the law, in effect, punishes people more harshly not based on the drug itself, but based on who they are and where they come from.

This is especially harmful to low-income Mainers, who are more likely to be arrested for possession of crack simply because of where enforcement is concentrated. A person from a poor community is more likely to face serious charges, longer sentences and the lifelong consequences of a felony conviction, while someone in a more affluent neighborhood might face lesser charges for essentially the same conduct. That is not justice—it is a clear reflection of systemic inequality.

By passing this legislation, we will be saying that our laws should be based on facts, not outdated fears or stereotypes. We will be saying that Mainers deserve equal justice, regardless of their income, their zip code or the form a drug happens to take.

As always, I appreciate your time and consideration. I urge you to remove this dated and harmful disparity in Maine law. I am happy to answer any questions you might have.