

TESTIMONY OF MICHAEL KEBEDE, ESQ.

Ought Not To Pass - LD 33

**An Act To Improve the Laws Governing Hemp by
Bringing Them into Compliance with Federal Law**

Submitted to the

JOINT STANDING COMMITTEE ON
AGRICULTURE, CONSERVATION AND FORESTRY

May 4, 2021

Senator Dill, Representative O'Neil, and distinguished members of the Joint Standing Committee on Agriculture, Conservation and Forestry, greetings. My name is Michael Kebede, and I am the Policy Counsel 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 oppose LD 33 because it would make the state less prosperous and more inequitable.

If enacted, this bill would incorporate into Maine law a federal rule with origins in the failed drug war. This rule would ban people who have been convicted of a felony in the past ten years from making a living as hemp farmers. Such a rule would disproportionately affect low income people and people of color, who are criminalized at higher rates than the general population. For example, drug trafficking laws are disproportionately enforced against people of color, especially Black people. Black people make up 1.6 percent of our population, but make up 21% of the people arrested for Class A drug trafficking and 15% of Class B drug trafficking.¹

¹ Ben Shelor, Jessica Gonzalez-Bricker, and Carl Reynolds, *Justice Reinvestment in Maine: Second Presentation to the Maine Commission to Improve the Sentencing, Supervision, Incarceration and Management of Prisoners*, THE COUNCIL OF STATE GOVERNMENTS JUSTICE CENTER, at 23 (Nov 19,

Moreover, Maine's existing drug laws would make this law more punitive here than it would be in most other states. Unlike 39 other states, Maine law requires no evidence of intent to convict someone of drug trafficking. *See* 17-A M.R.S.A. §1101(17). The amounts that someone in Maine must possess to be convicted of drug trafficking (a mixture weighing 2g or more containing any amount of fentanyl or heroin) is less than many people with substance use disorder consume in a day.

Most states require possession of a significant amount of drugs in order to charge someone with drug trafficking without showing any intent: Missouri requires possessing 30g, Indiana requires 28g, Massachusetts requires 18g, and Oklahoma requires possessing 10g. In contrast, in Maine you can be convicted of felony trafficking for possessing only 2g of some drugs. By barring people with felony drug trafficking records from farming hemp, the state is using our excessively harsh drug trafficking laws against people and preventing them from moving on after they have served their time.

We urge you to vote *ought not to pass*.