

TESTIMONY OF MICHAEL KEBEDE, ESQ.

Ought to Pass - LD 661

**An Act To Ensure Equity in Petitions for Rulemaking  
Under the Maine Administrative Procedure Act**

Submitted to the

JOINT STANDING COMMITTEE ON  
CRIMINAL JUSTICE & PUBLIC SAFETY

March 24, 2021

Senator Deschambault, Representative Warren, and distinguished members of the Joint Standing Committee on Criminal Justice & Public Safety, 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 support LD 661.

Current Maine law allows for anybody to request changes to the administrative rules. 5 MRSA §8055(1). If 150 registered voters request a rule change, the state *must* initiate rulemaking. This is as true in prisons as in other systems. As the Committee knows, prisons for men have incarcerated populations of well over 150. But the number of women between the Women's Center and the Southern Maine Reentry Center combined is 126 as of yesterday, according to the Department of Corrections Website. In practice, these numbers mean that women in Maine's prisons have less power to shape their conditions than incarcerated men do. This bill would solve that problem. If enacted, it would grant the power to initiate rulemaking to 150 incarcerated people or 25% of the total male or female population of a correctional or detention facility, whichever is fewer.

Incarcerated people are wiser than anybody else about prison conditions. This bill would help transform the wisdom of incarcerated women into better governance. We urge you to vote *ought to pass*.