

Testimony of Joby Thoyalil on behalf of the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations

In Support of LD 1675 - An Act To Amend Certain Provisions of Maine's Drug Laws

May 14, 2021

Good morning Senator Deschambault, Representative Warren and honorable members of the Joint Standing Committee on Criminal Justice and Public Safety. My name is Joby Thoyalil and I work as a senior policy advocate at Maine Equal Justice. I also have the honor of serving as a commissioner on the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations. I am submitting this testimony in support of LD 1675 on behalf of the Permanent Commission.

The Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations was formed in 2019 to examine racial disparities across all systems and to improve opportunities and outcomes for historically disadvantaged racial, indigenous and tribal populations in the State. It is an independent government entity that is empowered to conduct research, advise all three branches of government, submit its own legislation, hold public hearings, and more (5 MRSA §12004-I, sub-§74-J). In our role as an advisory body to the legislative branch, we strongly recommend the passage of LD 1675.

There is extensive evidence showing that Black, Indigenous, and other People of Color are treated more harshly at every phase in the criminal justice system. In particular, Black people are more likely to be stopped by police, searched, ticketed, arrested, charged, and convicted, and when convicted, face longer sentences.

Here in Maine, 1.6 percent of our population are Black but 5 percent of all arrests are of Black people. Black Mainers are 6 times more likely to be incarcerated than white, non-Hispanic Mainers. Disparities this severe cannot be ignored. They erode faith in our societal systems, including our systems of government.

Maine's criminal drug laws, which this bill would amend, greatly contribute to these disparities. Felony drug trafficking charges are Class A and B crimes in Maine. Black people accounted for 21 percent of Class A drug arrests and 15 percent of Class B drug arrests in 2018, despite their aforementioned 1.6 percent share of the population. Certain Maine drug laws say that a person has to have 3.5 times as much powder cocaine on them as crack cocaine for the same penalty to apply. This is a vestige from decades past when governments around the country

openly tried to punish Black people and people in poverty more harshly. LD 1675 rightly strikes this disparity out of our criminal code.

Maine's felony drug trafficking law imposes serious penalties of 10-30 years in prison for minor drug possession. 39 other states require prosecutors to show an intent to traffic in order to bring this serious charge. LD 1675 would bring Maine in line with the majority of other states in this regard.

It took centuries to create the inequities we see in our criminal justice system, and while it may take many years to eliminate them, this bill would clearly move us in that direction. Passing LD 1675 is a significant step that this legislature can take now to send a clear message that Maine takes the issue of racial disparities in our criminal justice system seriously. Thank you for the opportunity to testify.