



Senator Deschambault, Representative Warren, and honorable members of the Joint Standing Committee on Criminal Justice and Public Safety: my name is Adam Zuckerman and I am the lobbyist for the Maine People's Alliance. Our 32,000 members stretch from Kittery to Fort Kent. We are committed to creating a state of Maine where everyone has what they need, everyone contributes what they can, and no one is left behind.

I am here today to testify in favor of LD 1675, Assistant Majority Leader Talbot-Ross' Act To Amend Certain Provisions of Maine Drug Laws. Maine's felony drug trafficking law has been derailing lives for minor drug possession for years – imposing serious prison time and burdening people with lifelong criminal records. Our felony drug trafficking law is out of step with most other states in the nation, it has created significant racial disparities and it has harmed Mainers with substance use disorders for far too long.

Our punitive drug laws trap people with substance use disorder and punish them with long prison sentences and a lifelong criminal record. Every year Mainers are locked up for drug trafficking felonies simply because they struggle with substance use disorder. That's because, unlike the vast majority of states in our nation, prosecutors do not need to prove intent to distribute. That means that all over our state Mainers are locked away for drug trafficking for possessing extremely small amounts for their own personal use.

I can only imagine what the reaction would be if we did the same thing with other laws. Imagine if when you purchased a firearm you were charged with attempted murder. Yes, there was no evidence that you had any intent to commit murder, but you possessed it. The same is true with our drug trafficking laws. They undermine one of the most basic principles of our judicial system: innocent until proven guilty. There is no presumption of innocence for people who struggle with substance abuse disorder. That prevents them from accessing housing, getting a job, and getting student loans, making it nearly impossible for them to overcome their disease.

Our felony drug trafficking law has been enforced in a racially disparate manner, disproportionately punishing Black people. Black individuals represented less than two percent of Maine's population in 2018, yet accounted for 21 percent of Class A drug arrests and 15 percent of Class B drug arrests. That's why Black people represented almost a quarter of those sentenced to prison for Class A offenses of all kinds, and about a fifth of those sentenced for Class B offenses of all kinds. In some of Maine's drug laws there is a 1:3.5 crack cocaine/powder cocaine disparity, which was actually designed to target Black people. This means that certain 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. It's one of the most blatant forms of discrimination, a modern-day three-fifths compromise written into our drug laws.

This bill is not just about drug laws. It's about who we are as a state. Do we want to continue to treat people who struggle with substance use disorder like El Chapo, locking them away for years for a disease? Do we want to continue to deliberately target Black people? Do we want to continue to subvert the presumption of innocence, one of the most basic tenets of our judicial system?

Or do we want to live up to our promise and treat our fellow Mainers equally and compassionately. I know that we can and I believe that we will. You have the power to vote "ought to pass" on LD 1675. Thank you. I would be glad to answer any questions.