



TESTIMONY OF MICHAEL KEBEDE

LDs 677 – Ought Not to Pass

An Act to Update the Statutory Definition of "Machine Gun" and Prohibit Possession of a Rapid-fire Device

Joint Standing Committee on Judiciary

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Senator Carney, Representative Kuhn, and distinguished members of the Joint Standing Committee on Judiciary, greetings. My name is Michael Kebede, and I am the policy director for 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 677's new Class D crime of unauthorized possession of a rapid-fire device.

The right to own and use guns is not absolute and the state does have a legitimate interest in protecting public safety. Firearms are inherently dangerous instruments. Unlike other activities protected by the Bill of Rights, firearm use can inflict serious bodily injury or death on others, depriving them of their rights. Therefore, firearms are subject to reasonable regulation in the interests of public safety, maintaining the peace, environmental protection, and public health. We also recognize that gun violence is increasing, reaching unprecedented levels.¹

However, using new crimes to regulate guns could have a disproportionate racial impact and criminal penalties do not deter unwanted behavior. According to the Prison Policy Initiative, Black people in Maine are incarcerated at a rate 9.2 times higher than white people.² That disparity, at the time, was the sixth highest in the nation.³ These data, coupled with racial disparities in rates of arrest, suggest that enforcement of LD 677

¹ John Gramlich, *What the data says about gun deaths in the U.S.*, Pew Research Center, March 5, 2025, available at <https://www.pewresearch.org/short-reads/2025/03/05/what-the-data-says-about-gun-deaths-in-the-us/>.

² Maine Profile, Prison Policy Initiative, available at <https://www.prisonpolicy.org/profiles/ME.html#:~:text=Black%20people%20in%20Maine%20are,times%20higher%20than%20white%20people.&text=The%20cost%20of%20in carcerating%20older,over%20the%20age%20of%2055>.

³ Evan Popp, *Maine has 6th highest racial disparity within its incarcerated population, report finds In 2021, Black Mainers were locked up at a rate 9.2 times higher than white Mainers*, Maine Morning Star, September 29, 2023, available at <https://mainemorningstar.com/2023/09/29/report-maine-has-6th-highest-racial-disparity-within-its-incarcerated-population-report-finds/>.



will have consequences not intended by the bill sponsors.⁴ We ask that as you deliberate over this bill and other bills like it, you consider whether creating new crimes is the best way to change behavior.

Thank you for your time and consideration.

⁴ Matt Byrne, *Black people more likely than white people to face arrest, use of force by Portland police*, Press Herald, June 12, 2020, available at <https://www.pressherald.com/2020/06/12/black-portland-residents-face-more-arrests-use-of-force-than-white-peers/>.