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May 2, 2023

Senator Anne Carney  
Representative Matt Moonen  
Committee on Judiciary  
100 State House Station, Room 438  
Augusta, ME 04333

RE: LD 1516 -- An Act to Establish Alternative Sentencing for Primary Caregivers

Dear Senator Carney, Representative Moonen, and Members of the Committee on Judiciary,

MACDL supports LD 1516.

This unique, thoughtful bill allows a court in sentencing a defendant that would otherwise result in a term of imprisonment to consider something other than imprisonment when the defendant is a primary caregiver of a minor, elderly dependent, or individual with a mental or physical disability.

From a technical perspective, it may be that alternative sentencing for these persons should be addressed at the time of the sentencing as opposed to on motion thereafter. This would eliminate any issues or concerns as to the finality of the sentence and whether a court can change a sentence after it has been imposed.

However this bill is ultimately crafted, allowing a primary caregiver to not have to serve a term of imprisonment would allow for full and fair justice but without the expense of often significant and overwhelming harm to the innocent child, elderly dependent, or individual with mental or physical disability who requires the care of the defendant. Indeed, it is these harms that ripple from incarceration that we should all as a society be more attuned to and take into account when it comes to the criminal justice system.

Thank you for the opportunity to address this issue.

Sincerely,

Walter F. McKee  
Chair, Legislative Committee