

# Maine PRISONER ADVOCACY Coalition



February 9, 2025

Senator Beebe-Center, Representative Hasenfus and distinguished members of the Criminal Justice and Public Safety Committee:

My name is Jan Collins, I am Assistant Director of Maine Prisoner Advocacy Coalition (MPAC) an organization committed to ethical, positive, and humane changes in Maine's prison system.

I am here in support of LD 268 An Act to Restore Sentencing Discretion to the Judiciary by Removing Mandatory Minimum Sentences of Incarceration.

Our countries founders used their experience during the Revolutionary War to guide their writing of the constitution. In addition they were strongly influenced by the writings of Montesquieu and Beccaria.

Montesquieu's philosophy that, "Every punishment which does not arise from absolute necessity is tyrannical." Beccaria followed with a publication called *On Crimes and Punishments* (1764). In Chapter 12, he discusses the Intent of Punishments. In it he notes, ..."it is evident, that the intent of punishments is not to torment a sensible being, nor to undo a crime already committed." and "that by justice I understand nothing more than that bond, which is necessary to keep the interest of individuals united."<sup>1</sup>

These are the words that guided our founders. Liberty was precious and its preservation was essential to the bonds of justice.

In the last, few decades we have not only lost site of those guiding principals, but we have undermined them. Both Maine and the United States have seen a 400% increase or more in the number of people we incarcerate. Those numbers are driven by harsh sentencing and in Maine the lack of parole. The United states has less than 5% of the world's population and 25%of its incarcerated population.

Worse still, The United States holds an estimated 40% of the world's life-sentenced population, including 83% of persons serving Life Without Parole(LWOP). One in seven people who are incarcerated in the US are serving a life sentence.<sup>2</sup>

Harsh sentencing is found at every level, no matter the crime. As a result, our prisons house an ever increasing population of the elderly and infirm. The cost of housing the aged is from 2 to 6 times more than the average resident, sapping our state budgets to keep people who are no longer a threat to our communities behind bars.

It is time to return to the founders wishes and keep punishment to the minimum necessary to reform the individual and return them safely to the community. Mandatory minimums inflate our prison populations without providing additional safety to our communities. In fact, they can make our communities less safe, by plunging families into poverty and removing parents from their children for inordinately long periods of time.

Please support LD 268 An Act to Restore Sentencing Discretion to the Judiciary by Removing Mandatory Minimum Sentences of Incarceration.

Thank-you,

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<sup>1</sup>National Constitution Center <https://constitutioncenter.org/the-constitution/historic-document-library/detail/cesare-bonesana-di-beccariaon-crimes-and-punishments-1764>

<sup>2</sup> Ashley Nellis and Celeste Barry. *A Matter of Life: The Scope and Impact of Life and Long Term Imprisonment in the United States*. <https://www.sentencingproject.org/reports/a-matter-of-life-the-scope-and-impact-of-life-and-long-term-imprisonment-in-the-united-states/>. January 8, 2025