

STATE OF MAINE

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MAINE PROSECUTORS ASSOCIATION **SHIRA BURNS, EXECUTIVE DIRECTOR**

“An Act to Restore Sentencing Discretion to the Judiciary by Removing Mandatory Minimum Sentences of Incarceration” LD 268
Before the Joint Standing Committee on Criminal Justice and Public Safety
Public Hearing Date: February 10, 2025
Testimony in OPPOSITION of LD 268

Senator Beebe-Center, Representative Hasenfus and members of the Joint Standing Committee on Criminal Justice and Public Safety. My name is Shira Burns and I represent the Maine Prosecutors Association. I am here to testify in opposition of LD 268.

The bill proposes that all statutes that have a mandatory minimum sentence of imprisonment be repealed before the information is gathered on what statutes are affected. Before repealing laws, the information should be known on what specific laws are being repealed to properly analyze the policy decisions being made on each individual crime.

For instance, we currently have mandatory minimum term of imprisonment for crimes with the use of firearm against an individual.¹ That conduct may have specific policy concerns that need to be analyzed differently than the policy concerns for the mandatory minimums on operating after habitual offender revocation.²

The Maine Prosecutors Association has opposed some bills in the past that propose new mandatory minimum sentences of incarceration. We are opposing a bill this week in the Judiciary Committee that seeks to establish a new mandatory minimum of incarceration for some sexual assault crimes. There are specific policy reasons why we are against a mandatory minimum of imprisonment for that crime type. There might even be some current mandatory minimums that stakeholders representing public safety agencies can agree do not effectuate the policy reason the mandatory minimum was enacted to address. However, the information needs to be known first, including what the crime is, the legislative history of why the mandatory minimum was enacted for that crime, and what the mandatory minimum sentence of incarceration is for the crime, to properly and safely analyze the statutes before repealing it.

¹ 17-A M.R.S. § 1604(3).

² 29-A M.R.S. § 2557-A.

Furthermore, it looks like the intent of section 2 of the bill is to propose language that would change the mandatory minimum sentences into mandatory maximum sentences. That would be greatly out of line with the rest of our criminal statutes that have maximums based on the class of crime which would be far greater than any mandatory minimum currently in law.

For these reasons, the Maine Prosecutors Association is in opposition of LD 268.

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