



Rachel Talbot Ross Senator,
District 28

THE MAINE SENATE
132nd Legislature

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Augusta, Maine 04333

***Testimony of Senator Rachel Talbot Ross introducing
LD 246, “An Act to Establish the Option of Sentencing Alternatives for Primary
Caregivers”***

*Before the Joint Standing Committee on Judiciary
February 26, 2025*

Senator Carney, Representative Kuhn, and distinguished members of the Joint Standing Committee on Judiciary, my name is Senator Rachel Talbot Ross. I represent Senate District 28, which includes part of Portland and Peaks Island. I am here today to introduce LD 246, “An Act to Establish the Option of Sentencing Alternatives for Primary Caregivers.”

Our criminal justice system has long recognized that incarceration should not be a one-size-fits-all approach. This bill seeks to acknowledge the critical role that primary caregivers play in the lives of vulnerable individuals — children, elderly dependents, and those with disabilities — and to ensure that sentencing decisions take these responsibilities into account.

When primary caregivers are sentenced, the result is often devastating, not only for the person sentenced but also for the dependents who rely on them. The sudden removal of a caregiver can lead to family separation, increased reliance on state services, and lasting trauma for those left behind.

This bill provides a clear path for courts to consider alternative sentencing options for individuals who have been convicted of offenses that do not require mandatory imprisonment. This bill requires a court in sentencing a defendant convicted of an offense that may result in a term of imprisonment, to consider a sentencing alternative other than imprisonment due to the defendant's being a primary caregiver of a minor, elderly dependent or incapacitated adult. The court is required to make written findings in open court of the court's decision before issuing the sentence. The bill also requires the Judicial Branch to report annually to the Judiciary Committee identifying each instance the court sentences a person under this subsection and including the person's name, gender, race, age and residence, the underlying charge the person is being sentenced on and the nature of the alternative sentence given.

This is not about excusing criminal behavior but ensuring that sentencing decisions reflect the full context of a person's life and responsibilities. By allowing courts to weigh the broader consequences of incarceration, we can promote a more just and compassionate approach to sentencing that protects public safety and family stability. Keeping families whole is not just a moral imperative but a cornerstone of safe communities. When caregivers remain present in the

lives of those who depend on them, we foster stronger, more resilient families, strengthening the fabric of our communities.

Many states across the country have recognized the importance of sentencing alternatives for caregivers, and Maine should join them in prioritizing policies that support families rather than needlessly tearing them apart.

I urge the Committee to support LD 246 and to help ensure that our criminal justice system reflects both fairness and humanity. Thank you for your time and consideration, and I welcome any questions you may have.

Thank you for your time and consideration. I am happy to answer any questions.

A handwritten signature in black ink, appearing to read "Rachel Talbot Ross". The signature is fluid and cursive, with the first name "Rachel" being the most prominent.

Rachel Talbot Ross

State Senator, District 28

Representing part of Portland and Peaks Island