

Maine PRISONER ADVOCACY Coalition



March 17, 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 testifying in opposition to **LD 592 An Act to Amend the Laws Governing the Crime of Endangering the Welfare of a Child.**

Marchese Bonesana di Beccaria published *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."¹

These are the words that guided our founders and should guide us as well.

As a former teacher, I am sometimes privy to the saddest moments in a families life. One student's mom who also worked in the same school system, many years earlier had been getting ready to leave her home for an appointment. When she got into her car her youngest son was riding a tricycle on the lawn. By the time she backed up he was under her wheel.

Another family in our community had a teenage son. During the pandemic the boy was talking with a friend on a video chat. He was twiddling with a family gun while they conversed. The friend heard a loud noise and the video feed ended.

Was the first mom recklessly violating a duty of care for her son when she did not bring her son into the house before she backed up her car?

Were the parents of the young man who died of an accidental gunshot wound recklessly violating a duty of care by not keeping firearms locked and the keys inaccessible to the children in their home?

The problem with the term recklessly violating a duty of care is we are likely to judge its validity simply by the horror of the outcome and not on the generality of the circumstances.

Each of these families had to bear the horror of the loss of the person they loved most in the world. They continue to carry the guilt years later. It changed their life and the life of every member of their family. The only thing that saved these families was the knowledge that their remaining children needed them to be strong.

What this bill does is punish people who have already suffered by the injury or death of their child.

What it doesn't do is bring that child back. It doesn't prevent an accident from happening. No amount of punishment, Class C or Class B, can do that.

If we care about children and families. We can show it by supporting child care services, early childhood education, Mainecare, nutrition programs, and family counseling.

Please oppose this bill.

With appreciation,

Jan

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