



# Administrative Office of the Courts

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## **Judicial Branch testimony neither for nor against LD 1335, An Act to Prohibit Life Sentences:**

Senator Carney, Representative Kuhn, members of the Joint Standing Committee on Judiciary, my name is Julie Finn and I represent the Judicial Branch. I would like to provide some brief testimony regarding this bill.

The bill does two things. It entirely eliminates sentences of “life imprisonment” for anyone convicted of Murder or Aggravated Attempted Murder after January 1, 2026. That is certainly a policy decision for the Legislature, and we have no comment on that portion of the bill.

The bill also attempts to eliminate sentences for any “term of years equivalent to imprisonment for life” for the same crimes. The bill defines "term of years equivalent to imprisonment for life" to mean a sentence of imprisonment for a term of years that, as determined by the court based on the age of the convicted person at the time of sentencing and other factors determined by the court, is reasonably expected to result in the imprisonment of the person for the remainder of the person's life.

We suggest that that prohibiting sentences for any “term of years equivalent to imprisonment for life” would be problematic in application. First, this language asks judges to predict lifespan with no experience or measure on how to do so, which could yield very different results with different jurists. Second, it requires jurists to treat people differently based on their ages, and could lead to younger offenders receiving a different sentence from someone who is older solely because of the person’s age. This would be contrary to well-established current law and practice requiring a full individualized analysis set forth in statute, 17-A MRS § 1602(1), as originally decided by the Law Court in *State v. Hewey*, 622 A.2d 1151 (1993), and may also run afoul of other constitutional protections as a result.

Finally, we note that LD 1335 seems to require diverging from the mandatory minimum sentences maintained in the bill’s language. There will be individuals who are convicted of murder or aggravated attempted murder whose life expectancy is less than 25 years, such as a person with a terminal disease or a person who is very old, and the bill appears to require that the sentence be less than 25 years in those circumstances.

Thank you for your consideration.