

Senator Anne Beebe-Center
Representative Tavis Hasenfus
Joint Standing Committee on Criminal Justice and Public Safety
100 State House Station, Room 436
Augusta, ME 04333

RE: LD 648, An Act to Expand the Supervised Community Confinement Program

Dear Senator Beebe-Center, Representative Hasenfus, and members of the Joint Standing Committee on Criminal Justice and Public Safety,

My name is Margaret MacLellan and I am a resident of Portland, Maine. I am a second-year law student at the University of Maine School of Law who is currently enrolled in the Youth Justice Clinic as a Policy Fellow with the Center for Youth Policy and Law. My testimony in support of LD 648 represents my personal views only and not the position of the University of Maine School of Law or the University of Maine System.

By expanding the opportunity for supervised community confinement to those who have served their sentence for an offense committed before they reached the age of twenty-six, **LD 648 would incentivize self-improvement during incarceration, promote public safety, and recognize established brain development research.**

LD 648 would Incentivize Self-Improvement During Incarceration

Maine has some of the harshest sentencing in the country: the classic incentive for self-improvement during incarceration — a chance for reduced time — does not exist. Our state does not have parole,¹ and, unlike other states without parole, also does not have mechanisms for earning a reduced sentence. As a result, individuals serving lengthy sentences in Maine state prisons currently have little to no incentive to self-improve while incarcerated.

Supervised community confinement allows incarcerated individuals to serve the remainder of their sentence in a community setting,² which, if expanded, could act as an incentive for self-improvement. Under LD 648, in order to be transferred to supervised community confinement, in addition to having committed their offense before the age of twenty-six and having served fifteen or more years of their sentence, individuals must meet strict behavioral and rehabilitation standards.³ With the hope of meeting these standards and qualifying for the program, individuals serving their sentences would be incentivized to improve their behavior and to stay on a trajectory towards rehabilitation.

¹ Besteman, C., Hylton, C. (2024). *The Case for Second Chances: A Pathway to Decarceration in Maine*, 76 Me. L. Rev. 65 (2024). <https://digitalcommons.maine.maine.edu/cgi/viewcontent.cgi?article=1782&context=mlr>.

² See 43-A M.R.S. § 3036-A.

³ State of Maine Department of Corrections, Policy Number 27.2 (revised December 21, 2022). <https://www.maine.gov/corrections/sites/maine.gov.corrections/files/inline-files/27.2%20SCCP.pdf>

LD 648 Promotes Public Safety

According to the Maine Department of Corrections, the purpose of supervised community confinement is “to provide a means of successful reentry of adult facility residents into the community.”⁴ By providing a transition period for individuals who have been incarcerated for years, supervised community confinement avoids the practice of releasing individuals with no support, no housing, no job, and no resources back into the circumstances that contributed to their offending in the first place,⁵ and instead helps transition individuals to rejoining the workforce and financially supporting their families, which is the kind of stability that reduces recidivism.⁶ Expanding these opportunities would help support public safety and ensure more residents are successful in transitioning back into public life.

LD 648 Recognizes Established Brain Development Research

Brain research has consistently established that young brains continue to develop until the age of twenty-five, making young people under the age of twenty-six more impulsive, susceptible to peer pressure, and uniquely able to be rehabilitated.⁷ By providing people who were under the age of twenty-six when they offended with the opportunity for supervised community confinement, LD 648 follows from this brain research clearly establishing that, at the time that they offended and were sentenced, their brains were not fully developed and they had a unique ability to be rehabilitated.

LD 648 would incentivize self-improvement during incarceration, promote public safety, and recognize established brain development research. For these reasons, I urge the committee to support LD 648. Thank you for your time and consideration.

Respectfully submitted,



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⁴ *Id.*

⁵ *Successful Reentry: Exploring Funding Models to Support Rehabilitation, Reduce Recidivism.* (2023). National Conference of State Legislature. <https://www.ncsl.org/civil-and-criminal-justice/>.

⁶ Duwe, G., Henry-Nickie, M. (2021). *A better path forward for criminal justice: Training and employment for correctional populations.* Brookings. <https://www.brookings.edu/articles/>.

⁷ See e.g. Bigler, E. (2021). *Charting brain development in graphs, diagrams, and figures from childhood, adolescence, to early adulthood: Neuroimaging implications for neuropsychology.* *Journal of Pediatric Neuropsychology*, 7(1-2), 27–54. <https://doi.org/10.1007/s40817-021-00099-6>.