

# MAINE STATE PRISON BRANCH OF THE



# N.A.A.C.P.



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Criminal Justice & Public Safety Committee  
State House Station 2  
Augusta, Me 04333

May 5, 2025

Re: LD 648 “An Act to Expand Supervised Community Confinement”

Dear Committee Members,

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## **Comments on LD 648 – Post-Hearing Submission**

Understanding that the deadline to submit formal testimony for LD 648 has passed, the Maine State Prison Branch of the NAACP respectfully submits the following comments in response to several key questions and concerns raised during the public hearing held on April 23, 2025.

Our intent is to contribute constructively to the ongoing dialogue surrounding this important legislation. We believe that addressing these questions with clarity, data, and lived experience is essential to developing policy that truly reflects both justice and public safety.

## **A Case for Reform: Supporting LD 468 and Rebuilding Rehabilitation in Maine Corrections**

### **1. Eligibility for SCCP:**

Individuals serving 25 years to life must serve 25 years *day for day* before becoming eligible for the Supervised Community Confinement Program (SCCP). Those with sentences under 25 years may qualify sooner, with earned “good time” deductions taken into account under current policy.

### **2. Lack of Post-Release Supervision:**

Maine currently allows individuals convicted of murder to be released without any form of post-incarceration supervision. This gap leaves communities vulnerable and misses opportunities for reintegration support.

3. **Limited Good Time for Serious Offenses:**  
Maine has three different Good Time Code, 1983, 1995 and 2004. The 1995 Good Time Code being the harshest of three, individuals convicted of murder, domestic violence, or sexual assault can only receive 3–5 days per month in good time credit—further lengthening their incarceration despite potential for rehabilitation. The 2004 Good time Code is no better, a maximum of 9 days, if the individual is transferred to a lower security facility such as a minimum. The 1983 Good Time Code offered statutory good time. Good time deducted at the start of the prison term.
4. **Fourteenth Amendment Disparities:**  
LD 468 does not violate the Fourteenth Amendment. However, the current probation and parole statute **does**. It allows individuals sentenced in other states with parole to transfer their parole to Maine, while Maine citizens have no access to parole. This results in unequal treatment based on jurisdiction of conviction—an evident constitutional disparity.
5. **Sentencing Realities and Prosecutorial Preferences:**  
Completing 2/3 of a sentence is the closest approximation to “day for day” served. As even the Deputy Attorney General has admitted, prosecutors prefer full incarceration and would eliminate all good time if given the opportunity. This stance undermines rehabilitation and evidence-based correctional approaches.
6. **Cost of Incarceration vs. Supervision:**  
Maine taxpayers currently spend \$115,000–\$117,000 per year to incarcerate a single individual. In contrast, supervising someone in the community costs approximately \$40,000–\$50,000 per year—a **more than 50% reduction** in taxpayer burden.
7. **Misallocation of Prison Resources:**  
The Maine State Prison spent over \$20 million on staff salaries—much of it on overtime—while enforcing 19 to 20-hour-per-day lockdowns. This contradicts claims of rehabilitation and humane treatment.
8. **Tragic Examples of System Failure:**  
Albert Flick, a convicted murderer, served over 25 years and was released unsupervised. Had he been under SCCP, he could have received critical monitoring and mental health services. His release and subsequent reoffending highlight the need for structured, supervised reentry.
9. **The Myth of the ‘Maine Model’:**  
Maine claims to offer rehabilitative corrections, but those seeking education, treatment, or transformative change are denied meaningful opportunities for reintegration. This failure to invest in human potential reflects institutional resistance rather than public safety concerns.
10. **National Reentry Rankings:**  
Maine ranks last in reentry effectiveness. This is not by accident—it is the direct result of clinging to outdated punitive models instead of embracing what corrections truly means: rehabilitation. *Change the mind, change the behavior.*
11. **Clarifying SCCP and Parole:**  
SCCP does **not** alter the court’s imposed sentence. It simply changes the location of sentence completion—from prison to supervised community confinement. The same principle applies to parole.

12. **Opposition to LD 468 is Hypocritical:**

If the Department of Corrections truly believes in evidence-based programs, why does it oppose LD 468—legislation grounded in best practices, public safety, and fiscal responsibility?

13. **Crime Rates and Sentencing Policy:**

Since Maine abolished parole in 1976; the crime rate has remained relatively stable. It fluctuates, but no clear correlation exists between harsher sentencing and lower crime. What has changed, however, is **the cost**—both financially and socially—of mass incarceration.

14. **Time for a Smarter Approach:**

Maine now has some of the harshest sentencing laws in the country, yet no measurable improvement in safety. What's clear is that harsher punishment has not worked, while costs—both in dollars and human potential—continue to rise

15. **Reentry Challenges:** Maine ranks poorly in reentry effectiveness, largely due to its lack of structured post-release supervision.

16. **Justice Reinvestment:** Some states have adopted justice reinvestment strategies to reduce incarceration costs and improve rehabilitation, but Maine has been slower to implement such reforms

17. Maine's sentencing policies have a significant impact on recidivism rates. According to a **Return to Custody Report** from the Maine Department of Corrections, recidivism rates vary based on factors such as **age at release, risk assessment, and program completion**. The report highlights that individuals released under **probation supervision** tend to have lower recidivism rates compared to those released without supervision.

18. Additionally, Maine's **lack of parole** means that individuals serve their full sentences without structured reintegration programs, which can contribute to higher rates of reoffending. Some studies suggest that **alternative sentencing models**, such as community-based supervision, may reduce recidivism by providing support and reducing institutionalization.

Respectfully submitted,

Maine State Prison Branch of the NAACP