

January 7, 2026

Good morning Senator Carney, Representative Kuhn and esteemed members of the Joint Standing Committee on Judiciary

I write to you in strong support of **LD 1941: An Act to Implement Recommendations of the Commission to Examine Reestablishing Parole**

I am the founder and coordinator of ShelfLife Project, a distribution program that for the past five years has supplied books and other media resources to correctional facilities in Maine.

Since 2018 I have also served as a volunteer Special Projects Coordinator with the Maine Prisoner Advocacy Coalition bringing films, performers, artists, and workshops inside to residents of the Maine Department of Corrections. Most of the featured subjects focus on personal growth and transformation. A majority of the speakers featured are individuals who have served time incarcerated and now use their lived experience as credible messengers to transform and repair the lives of others.

Additionally, I was part of a cohort that helped establish the Jericho Circle project at the Maine State Prison, a program that prioritizes emotional awareness, accountability, and personal integrity through candid and vulnerable circle processes.

Through these lenses, I've had the humbling and humanizing privilege of witnessing men and women demonstrate heartfelt empathy for caused harms, express sincere desire for repair and to make amends, and to use their often-painful life lessons to change the paths of others.

I write this testimony thinking of my gentle friend and MPAC colleague Andre Hicks who recently founded his own nonprofit Breaking Bread. An organization that provides direct mentorship to system-impacted Maine youth, providing one-on-one support and steering them towards productive paths. I believe Andre's authentic experience as a youth who grew up in and out of Maine's correctional system and turned his life around gives him unique and unreproducible access and to these young lives. I believe that there are dozens of men and women like Andre currently incarcerated in the Maine DOC who deserve an opportunity to demonstrate their transformation and growth and earn an early supervised return to society as mentors, entrepreneurs, workforce members, caregivers, and citizens, instead of being warehoused at great taxpayer cost. I believe parole provides a balanced and incentivized path to that opportunity.

I listened with great interest to (or reread the transcripts of) the entirety of the 2022 Parole Study Commission's five sessions and appreciate the great rigor, debate, and diversity of opinion contained within those discourse, including voices from academics, lawmakers, social scientists, law enforcement, victims advocates, economists, system-impacted individuals, and testimonies from the general public. I believe the findings to be carefully considered, reasonable, and well-balanced, especially drawing attention to the primary recommendation, approved by a unanimous 11-0 committee vote: "Establish new mechanisms not currently provided for in Maine Law to open pathways for early release of incarcerated persons who no longer pose a threat to public safety."

I urge this committee to review those recommendations and vote Ought to Pass on LD1941

Thank you for your time and consideration,

Jon Courtney

Cape Elizabeth

For reference:

The final recommendations of the Commission To Examine Reestablishing Parole:
[Full report available at: <https://legislature.maine.gov/doc/9574>]

1. Establish new mechanisms not currently provided for in Maine Law to open pathways for early release of incarcerated persons who no longer pose a threat to public safety. (Vote 11-0)

The discussion at the commission's fifth and final meeting covered a wide range of issues. The issues discussed at the fifth meeting related not only to parole, but also to sentencing and the criminal justice system as a whole. While not every member supports reestablishing parole, there was unanimous support among members who voted on this recommendation.

Over the course of five meetings, the commission heard numerous stories of exemplary individuals incarcerated in Maine's prison system. Individuals who, despite their hard work and dedication toward rehabilitating themselves, repairing the harm they've done, and strengthening their communities, are provided no further reduction in time served compared to those who do not exhibit the same effort. The mechanisms currently available are not enough. When the most exemplary individuals do not qualify for executive commutation or pardon and when baseline access to programs like Supervised Community Confinement do not account for the work done by those individuals, something more must be provided.

Many commission members believe that currently, Maine's corrections system does not provide effective mechanisms or pathways for early release. As referenced from the accounts of commission members who visited the Maine State Prison and Women's Center, one of the primary messages delivered by residents was the need for hope. Providing mechanisms and pathways for early release that reward the efforts by residents working for positive change creates hope for those facing long sentences and encourages such efforts for those who, due to their lack of hope, may not have otherwise been incentivized. If a goal of the corrections system is rehabilitation, the system must have mechanisms that recognize, reward, and reinforce these efforts.

While the commission as a whole did not identify specific mechanisms for the purposes of this recommendation, a majority of members believe that reestablishing parole, as discussed in recommendation three, is one pathway that is essential for providing early release.

Representative Evangelos also recommended that Maine implement a system of weekend furloughs for residents of correctional facilities. A weekend furlough program would allow, under certain conditions, residents of a correctional facility to be away from the facility for a specified period of time on designated days. Weekend furlough programs are especially beneficial for residents who want to maintain systems of support and connection with children and other family members.

Representative Bickford offered an additional consideration; that educational programming for residents should include trades programs in addition to college degrees. Providing options for residents to learn a trade would allow residents additional opportunities to achieve productive reintegration with their communities upon release.

2. Enhance and amend existing mechanisms currently provided for in Maine law to open pathways for the early release of incarcerated persons who no longer pose a threat to public safety. (Vote 11-0)

Many commission members expressed concerns that existing aspects of the criminal justice system and criminal statutes will need updating to properly function alongside parole. Some members also discussed the potential for pre-existing programs to be modified in order to achieve the goal of providing better pathways for early release in lieu of parole. In particular, some members recommended considering modifications to the Supervised Community Confinement Program that would expand the eligibility criteria for residents to participate in the program. This expansion would apply both to the qualitative

criteria for participation in the program and also to when residents may begin participating, ensuring that residents serving longer sentences may participate earlier than what is currently allowed.

As touched upon in the commission's findings, no component of the criminal justice system stands in isolation. Any proposal to reestablish parole must consider how it will function in concert with probation, supervised community confinement, and other programs. It should be noted that some members of the commission feel that when the most exemplary individuals do not qualify for executive clemency, the system as it stands is broken and in need of review.

3. Provide baseline funding for the Maine Criminal Justice Sentencing Institute. (Vote 13-0)

The Maine Criminal Justice Sentencing Institute was created in 1976, alongside the establishment of the Criminal Code. Under Title 4, Section 454, the purpose of the Maine Criminal Justice Sentencing Institute is "to provide a continuing forum for the regular discussion of the most appropriate methods of sentencing convicted offenders and adjudicated juveniles by judges in the criminal justice system, prosecutors, law enforcement and correctional personnel, representatives of advisory and advocacy groups and such representatives of the defense bar as the Chief Justice of the Supreme Judicial Court may invite."

While the institute met every two to three years from the mid 1970's through the 1990's, it appears that it has not met since 2005, over 15 years ago, due to lack of adequate funding. As outlined in Section 454, when sufficient funding is provided by the Legislature "the institute shall meet, at the call of the Chief Justice of the Supreme Judicial Court, for a 2-day period to discuss recommendations for changes in the sentencing authority and policies of the State's criminal and juvenile courts, in response to current law enforcement problems and the available alternatives for criminal and juvenile rehabilitation within the State's correctional system."

The commission believes that the Maine Criminal Justice Sentencing Institute is an ideal forum to consider the reforms to criminal sentencing addressed in its findings above. The commission recommends that the Legislature appropriate baseline funding in the biennial budget necessary for the institute to meet every two years and be appropriately staffed. Regular meetings of the institute will be necessary to discuss the multitude of issues addressed over the 5 meetings of this commission, and to ensure that unintended consequences of statutory reforms to the Criminal Code are able to be identified and addressed. Any attempt to address the disparities, discussed in the commission's findings, in the criminal justice system must necessarily consider the relationship to criminal sentencing, and the commission believes that the institute will play an essential role in that those efforts.

The commission further recommends that the Legislature amend the Maine Criminal Justice Sentencing Institute statute to improve the language and syntax of the text for clarity; codify more specifically the institute's processes or procedures, including requirements for public notice, public input. The statute should also be updated to require that the institute provide a biennial report to the Legislature, and to direct the appointment of participants with a broader set of experiences, including those with expertise in sentencing reform and restorative justice.

4. Reestablish parole in Maine. (Vote 7-2)

As referenced in the discussion related to the commission's first recommendation, a majority of members on the commission recommend that the Legislature reestablish parole in Maine as the primary mechanism for providing a pathway to early release. Much of the commission's discussion regarding legislative proposals to reestablish parole focused on the work done by the Judiciary Committee in the 130th Legislature in its consideration of LD 842 (Appendix J). That bill would have made all criminal sentences for imprisonment eligible for parole, an element of reestablishing parole that is a primary concern for many commission members. The commission recommends that the Legislature build on the work that

was done in the 130th Legislature and use LD 842 and all of its accompanying papers as a starting point putting together a bill to reestablish parole.

During the commission's discussion about reestablishing parole, some commission members expressed concern about making parole available to all sentences and suggested that the Legislature carefully consider whether to exclude certain types of sentences, such as repeat offenders in cases domestic violence and repeat offenders in cases of child sexual abuse and exploitation. The discussion regarding who decides which sentences are eligible for parole touched on a few different models. Some commission members expressed a strong preference that all eligibility be determined by the Legislature, while others suggested that the sentencing judge should have some ability to decide in certain cases.

Following the public comment period at the commission's third meeting, Richard Harburger, current Chair of the Maine State Parole Board was also available for a question and answer session with the commission. In answering questions from commission members, Harburger noted that he supports the reestablishment of parole in Maine. Regarding the question of eligibility for parole, he stated that an incarcerated person must want parole and be responsible for creating and presenting their plan to achieve successful parole to the parole board. His comments are described in further detail in Section III, Part C of the report.

In voting against the recommendation to reestablish parole, Commissioner Liberty and Senator Cyrway expressed concerns that parole would not be consistent with "truth in sentencing," and that Maine already has a workable program that can be adjusted to achieve the goal of providing a better mechanism for expanding pathways to early release. They noted that this can be done without having to create a new system, setup and staff a new agency, or secure the kind of funding that would be necessary if the State reestablished parole.

5. Ensure that any proposal to reestablish parole in Maine includes clear criteria for eligibility, process transparency, and increased support for victims. (Vote 8-2)

First, the Legislature must establish criteria that ensures parole is available to incarcerated people serving sentences of more than 20 years. This recommendation remains key to effectively addressing the disparate demographics identified in the findings of this report and providing hope to those serving long sentences. The criteria used to determine hearing eligibility and for granting and denying parole must consider and mitigate the historical bias present in traditional risk assessment models. For incarcerated people suffering from diagnosed mental illness, the criteria must include metrics based upon the progress of their treatment.

Additionally, calculations which determine when a person is eligible for a parole hearing should be based solely upon the unsuspended portion of that person's sentence. For example, if a person is sentenced to 20 years unsuspended and 20 years suspended, for a total sentence of 40 years, that person's eligibility for a parole hearing would be calculated on the time that remains on only the unsuspended portion of that person's sentence.

Second, the Legislature must create transparent and fair parole hearing, review, and appeals processes conducted by a parole board independent of the Maine Department of Corrections. The membership of the board must, to the extent practicable, reflect the diversity of the State, including, but not limited to, diversity in geographic location, cultural and ethnic background, sexual orientation, gender identity and professional experience. Board members should also be appointed by the Governor to staggered terms subject to confirmation by the Senate. An amendment to LD 842 from the First Regular Session of the 130th Legislature (Appendix J) provides a starting point for establishing a board. Members of this commission also put forward their own recommendations for the makeup of the parole board, which can be found in Appendix F.

The commission feels it is vitally important to emphasize that the hearing, review, and appeals process for parole must be clearly outlined in the establishing legislation, and that each applicant for parole must have the right to legal representation throughout the process. A clearly outlined process and legal representation throughout that process can significantly affect whether or not a person is able to successfully navigate the system. If the steps in the process are not clear, or if no right to legal representation is guaranteed, those expected to adhere to the process will be setup for failure.

Third, the Legislature must ensure that victims have a right to be notified of, involved in, and provided support throughout, any parole hearing, review, or appeals process. The commission received comprehensive presentations during its second meeting from organizations that work in the field of victims' rights (Appendix E).¹⁰⁴ The Maine Coalition Against Sexual Assault, Maine Coalition Against Domestic Violence, and Aswad Thomas, of both Alliance for Safety and Justice and Crime Survivors for Safety and Justice, outlined policy considerations that the commission feels are absolutely essential to include in any legislative proposal to reestablish parole. Additionally, the commission feels it is essential that any proposal to reestablish parole include resources for victim advocate staffing necessary for post-conviction support, to ensure victim safety, and prevent their re-traumatization.

6. Establish a new Criminal Law Revision Commission. (Vote 6-1)

One through-line in the commission's discussions, and in the testimony received by the commission over the course of its five meetings, has been the consequences and discontinuity created within the Criminal Code in the nearly 50 years since its enactment in 1976. Maine's Criminal Code was enacted during a particular period in our nation's history, and coincided with a movement toward a particular theory of crime and punishment. As described in the background section of this report, Maine was the first state in the nation to abolish parole. With the abolition of parole, Maine completely reformed its criminal statutes and sentencing model. The commentary and analysis that ensued in the years following that reform speak directly to the consequences that developed.

As it did in 1971, the Maine Legislature should again establish a criminal law revision commission to: address the consequences of a criminal code designed to be punitive; reform the code to create internal continuity in its theory of corrections; and incorporate within the code the rehabilitative and restorative justice principles validated by modern research and supported by policy makers across the political spectrum. Members of the new criminal law revision commission should include practitioners of criminal law from both within and outside of state government and must, to the extent practicable, be comprised of members who reflect the diversity of the State, including, but not limited to, diversity in geographic location, cultural and ethnic background, sexual orientation, gender identity and professional experience.

Jon Courtney
Cape Elizabeth
LD 1941

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5. Ensure that any proposal to reestablish parole in Maine includes clear criteria for eligibility, process transparency, and increased support for victims. (Vote 8-2)
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