



AMERICAN CIVIL LIBERTIES UNION

Maine

TESTIMONY OF ALICIA REA, ESQ.
LD 246 – Ought to Pass

**An Act to Establish the Option of Sentencing
Alternatives for Primary Caregivers**

Joint Standing Committee on Judiciary
February 26, 2025

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Senator Carney, Representative Kuhn and distinguished members of the Joint Standing Committee on Judiciary, greetings. My name is Alicia Rea and I am a policy fellow at the ACLU of Maine, a statewide organization committed to advancing and preserving civil liberties guaranteed by the Maine and U.S. Constitutions. On behalf of our members, I urge you to support LD 246.

LD 246 amends the Maine Criminal Code to provide sentencing alternatives for primary caregivers. Allowing judges to issue sentences other than incarceration to primary caregivers would help preserve Maine families while maintaining public safety.

Other states have already changed their laws to create alternatives to incarceration for caregivers while still maintaining their criminal convictions, create diversion programs for caregivers, or both.¹ These measures are rising in popularity because laws and programs that help caregivers stay with their dependents produce better outcomes for everyone involved, including community members and the workforce, while saving the state and communities valuable resources.

Nationally, nearly half of all incarcerated people are parents to minor children.² Children of incarcerated women are five times more likely to end up in foster care than children of incarcerated men.³ Further, women who are primary caretakers and incarcerated also have their parental rights taken away most often.⁴ These statistics are especially concerning given that mothers are more likely to be primary caregivers to children.⁵

¹ Prison Policy Initiative, *How 12 states are addressing family separation by incarceration — and why they can and should do more*, Feb. 27, 2023, <https://www.prisonpolicy.org/blog/2023/02/27/caregivers/>.

² The Sentencing Project, *Parents in Prison*, Feb. 2021, at 1, <https://www.sentencingproject.org/app/uploads/2022/09/Parents-in-Prison.pdf>.

³ Scholars Strategy Network, *Mothers in Prison and the Cycle of Incarceration*, July 23, 2024, <https://scholars.org/contribution/mothers-prison-and-cycle-incarceration>.

⁴ *Id.*

⁵ *Id.*



This bill will give judges more tools to address the specific needs of unique cases, keeping families intact while they navigate the criminal legal system in Maine. It will also save the state money and reduce community and workforce destabilization that often accompanies criminal legal proceedings. This bill would not prohibit judges from sentencing caregivers to incarceration, but will enable them to make decisions based on all of the relevant circumstances in each case.

We urge you to pass LD 246.

Thank you for your time and attention.