



# **Permanent Commission RACIAL, INDIGENOUS & TRIBAL POPULATIONS**

## **LD246 “An Act to Establish the Option of Sentencing Alternatives for Primary Caregivers”**

**February 26, 2025**

Senator Carney , Representative Kuhn, and Honorable Members of the committee on Judiciary.

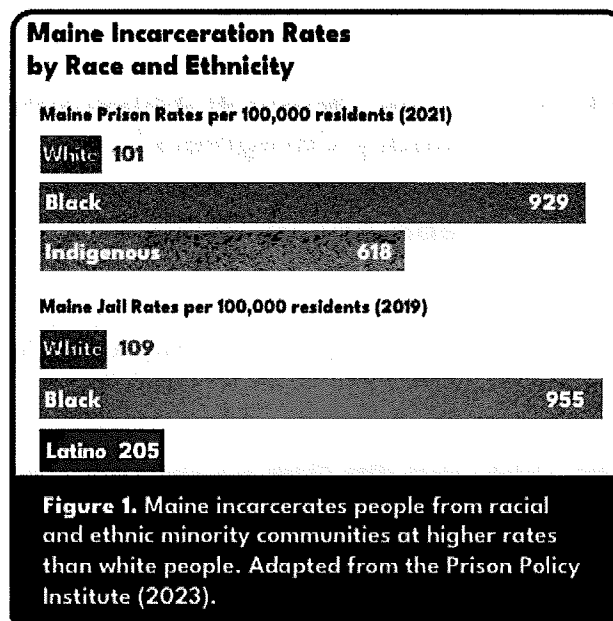
My name is Rae Sage, and I am the Policy Coordinator for the Permanent Commission on the Status of Racial, Indigenous, and Tribal Populations. The Permanent Commission’s role is to examine racial disparities across all systems and advise Maine State Government on ways to improve the status and outcomes of historically disadvantaged racial, Indigenous, and tribal populations.

The Policy Committee of the Permanent Commission supports legislation that diverts people from deeper involvement with the criminal legal system. The punitive nature of the criminal legal system coupled with the compounding disparities and discriminatory practices that lead to and stem from over incarceration of historically marginalized communities makes it essential to establish sentencing alternatives while we collectively work to reform the system more broadly.

By requiring courts to consider sentencing alternatives other than imprisonment for primary caregivers supporting minors, elderly dependents, or individuals with a physical or mental disability, this piece of legislation supports better outcomes not only for the individuals facing imprisonment-but for the network of people dependent on their care and presence in the community.

Since 1980, Maine alone has experienced a 163% increase in its incarcerated population overall and a 794% increase in the incarceration

rate for women specifically.<sup>1</sup> These impacts fall particularly hard on Black and Indigenous people. In 2023, Maine had the 6th highest rates of racial disparities in state prisons,<sup>2</sup> with Black Mainers incarcerated at over nine times, and Indigenous people incarcerated at over six times the rate of white Mainers (see Figure 1).<sup>3</sup>



In direct reference to childcare access, today, over 3,000 Maine children go without care because local providers are full or there is no provider where they live.<sup>4</sup> Every county in Maine currently contains areas where there are more children in need of care than available services can provide.<sup>5</sup> Even in places where child care facilities exist, staffing remains a frequent barrier to operating at full capacity. These challenges are echoed in accessing care for both the elderly and disabled individuals as well. Imprisoning caregivers who support their family or community only serves to further exacerbate disparities in this critically undermanned field

<sup>1</sup> Vera Institute of Justice. (2019). Incarceration Trends in Maine.

<https://vera-institute.files.svdcn.com/production/downloads/pdfdownloads/state-incarceration-trends-maines.pdf>

<sup>2</sup> Prison Policy Institute. (2023). Updated data and charts: Incarceration stats by race, ethnicity, and gender for all 50 states and DC

[https://www.prisonpolicy.org/blog/2023/09/27/updated\\_race\\_data/#compare](https://www.prisonpolicy.org/blog/2023/09/27/updated_race_data/#compare)

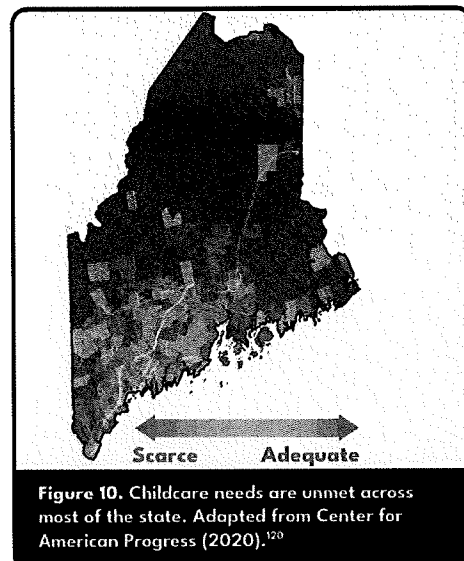
<sup>3</sup> Prison Policy Institute. Maine profile. <https://www.prisonpolicy.org/profiles/ME.html>

<sup>4</sup> Bipartisan Policy Center. (2023). Childcare gap assessment: Maine.

<https://www.maine.gov/dhhs/sites/maine.gov.dhhs/files/inline-files/Maine-Child-Care-Gaps-January2023.pdf>

<sup>5</sup> Maine Children's Alliance. (2023). Helping Maine grow: Strengthening our early care and education system will improve the health and well-being of children and support working parents.

leaving families vulnerable to separation, isolation and the long term harms associated.



In closing, I would like to read a passage from a 2012 paper from the journal *Criminology*, which highlights the ongoing and intergenerational impact of moving caregivers into and out of carceral settings.

"Stated most clearly..., evidence suggests that offenders typically have complex relationships with their families and communities, where often they are the primary sources of income for their households and that they play an important role in child rearing (Clear, 2007; Clear, Rose, and Ryder, 2001; Rose and Clear, 1998). **The removal of these citizens from the community amounts to a form of "coercive mobility" [defined as the forced movement of people out of their communities]<sup>6</sup> that, in the long run, does more harm than good (Clear et al., 2003).**"

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<sup>6</sup> Frost, N.A. & Clear, T.R. (2012). Coercive Mobility. In *The Oxford Handbook of Criminological Theory*, eds. Cullen, F.T. & Wilcox, P. Oxford University Press.