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MAINE PROSECUTORS ASSOCIATION  
SHIRA BURNS, EXECUTIVE DIRECTOR

“An Act Regarding Fairness in Sentencing for Persons Under 26 Years of Age”  
Before the Joint Standing Committee on Judiciary  
Public Hearing Date: March 31, 2025  
Testimony in Opposition of LD 1113 as amended

Senator Carney, Representative Kuhn and members of the Joint Standing Committee on Judiciary. My name is Shira Burns and I represent the Maine Prosecutors Association. I am here to testify in opposition of LD 1113 as amended.

There are only three types of crimes, other than murder, where a defendant is eligible for imprisonment for a definite period of any term of years.<sup>1</sup> This includes if the State pleads and proves that the defendant is a repeat sexual assault offender, if the victim of a Class A gross sexual assault has not attained 12 years of age at the time of the rape, or if the defendant is convicted of aggravated attempted murder.

First, it is unclear if the intent of the bill is to only prevent life sentences without the possibility of supervised community confinement after 15 years for the crimes of murder and aggravated attempted murder based on the language drafted in sections 1 and 2 without changing this exact language in the sentencing statute for repeat sexual assault offenders or for gross sexual assault for a child who has not attained 12 years of age. Section 3 however, seems to be a catch all provision that would prevent any sentence of more than 15 years without the possibility of supervised community confinement which is supported by the summary of the bill.

Section 3 of the bill is very problematic for various reasons. First, the bill eliminates the provisions set out in 34-A M.R.S. § 3036-A(2)(A)-(D) when a person can be transferred to supervised community confinement program (SCCP) since the language states “notwithstanding paragraphs A to D.” Those are safeguards put in place to filter appropriate candidates to be released in the community. If a person “may be transferred to supervised community confinement” “notwithstanding” the rules adopted by the commissioner pursuant to 34-A M.R.S. § 3036-A(2)(A) then it is unclear what guides the “may” in the bill language. This would also allow people out on community confinement that have a custody classification level higher than minimum. These are people that may not be safe to be released in our community even under supervision.

<sup>1</sup> 17-A M.R.S. § 1604(2).

Section 3 of the bill allows anyone who has been sentenced for more than 15 years of imprisonment, who at the time they committed the crime was under the age of 26 year old, eligible for release on SCCP after 15 years. This would include cases that the State plead and proved the defendant is a repeat sexual assault offender<sup>2</sup> or has committed the crime of gross sexual assault, even on a child less than 12.

At some point, this comes at the cost of a victim. A victim may hear in court that the person who has sexually assaulted them for years received a substantial sentence. A sentence of 30 plus years. However, quickly after that sentence is handed down, it will have to be explained to the victim or their caregiver in the case of a child, that even though the Judge said 30 years, their abuser may be back in their community in less than 15 years. Also, any time the defendant was incarcerated pre-trial will be credited to that 15 years. The Supervised Community Confinement Program is not a one size fits all program.

For all these reasons, the Maine Prosecutors Association in opposition to LD 1113 as amended.

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<sup>2</sup> 17-A M.R.S. § 253-A(1)