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*Testimony of Representative Nina Milliken presenting*  
**LD 1335, An Act to Prohibit Life Sentences**  
*Before the Joint Standing Committee on Judiciary*

Good afternoon, Senator Carney, Representative Kuhn, and friends and colleagues on the Joint Standing Committee on Judiciary. My name is Nina Milliken and I am very happy to represent the people of Blue Hill, Brooksville, Castine, Sedgwick, Surry and Trenton in the Maine House. Today I am pleased to be before you to present my bill, **LD 1335, An Act to Prohibit Life Sentences**.

If prisons made us safer, we would live in the safest country on earth by a lot. Today, nearly two million Americans sit in jails and prisons across the country. That is nearly 1/5 of the entire prison population worldwide. And we are not safer for it. Maine has many people currently incarcerated who do not pose a risk to society.

Globally, the United States stands in stark contrast to international norms regarding life imprisonment. Many nations have abolished or severely restricted the use of life sentences, recognizing them as inhumane and counterproductive. For instance, in Europe, the European Court of Human Rights has ruled that life sentences without the possibility of parole violate human dignity and are inconsistent with human rights standards. Mexico, Spain, Vatican City, Norway, Serbia, most South and Central American countries, Mozambique and Republic of the Congo have all prohibited life sentences without the possibility of parole. Additionally, the Supreme Court of Canada ruled recently that life without parole could violate the Canadian Charter of Rights and Freedoms, specifically the right to security of the person. The Court emphasized that imposing a life sentence without the possibility of parole for an extended period (specifically, more than 25 years) could be considered cruel and unusual punishment, which is prohibited under Section 12 of the Charter.

Research indicates that incarcerating individuals for more than 20 years offers diminishing returns in terms of public safety and imposes significant social and economic costs on the state. Long-term imprisonment often leads to severe psychological deterioration, social isolation and the erosion of familial bonds. Moreover, studies have shown that recidivism rates decline with age, suggesting that extended incarceration may not be necessary for the purposes of deterrence or rehabilitation.

Maine's criminal justice system specifically faces several critical challenges that exacerbate the issues associated with life sentences:

- **Shortage of Criminal Defense Attorneys:** The state lacks sufficient criminal defense attorneys, leading to overburdened legal professionals and compromised legal representation for defendants. This has real world consequences. We talk a lot about this issue, especially in this committee. But often those discussions are limited to the problems of pre-adjudication. I see many men and women who are doing very long sentences for lesser offenses because they didn't have adequate access to defense counsel. I also see people who are likely innocent in the prisons.
- **Absence of Parole:** Maine does not have a parole system, eliminating opportunities for incarcerated individuals to demonstrate rehabilitation and reintegrate into society. I would have made this bill's title, "An Act to Prohibit Life Without Parole Sentences." Hopefully I will be back here soon to discuss the benefits of parole.
- **Delayed Trials:** The lack of speedy trials undermines the constitutional rights of defendants and contributes to prolonged pretrial detentions.
- **Limited Mechanisms for Mercy:** While Maine has a commutation process, it appears to be underutilized. Governor Mills has received 26 applications for commutation; only three have been granted hearings and none have resulted in commutation. Recently, a man named Shaun Libby filed a petition for commutation with the Governor's office. Shaun has been in prison in Maine since 1999. He was convicted of murder that year. He was 18 years old when the crime occurred. Since Mr. Libby has been locked up, he has earned his bachelor's degree. He works full time remotely and makes a good living. He has not had a single write up in the entire 26 years that he has been incarcerated. His mother is very sick and likely dying. He requested to be allowed to go home to care for his mother while she died. His petition was not even given a hearing, even though he meets all of the criteria for commutation.

Since the 1976 abolition of parole, Maine has become one of the states with the longest sentence lengths in the country, a statistic that calls for introspection and reform. Additionally, our state exhibits one of the worst racial disparities in incarceration rates nationwide compared to the population of the state. These disparities reflect systemic inequities that must be addressed to ensure a fair and just legal system.

Maine has a man currently serving a life sentence despite not being directly responsible for physical violence nor being involved in a crime where anyone died. This situation underscores the rigidity and potential injustice of our sentencing laws, highlighting the urgent need for reform.

While a complete prohibition on life sentences may not be immediately feasible, I strongly believe that it is imperative that we take steps toward meaningful sentencing reform. To that end, I would suggest to the committee, if this outright prohibition is not digestible at this time, that you consider an amendment to require a review of the sentence of anyone who has served 25 years on any sentence over 25 years. In the review, their medical needs, institutional history (such as participation in programming, education, training, etc.), age and any sentencing guidelines that have changed during their period of incarceration should be taken into consideration and recommendations could be made to the executive branch on commutation for that resident.

Thank you for considering this critical issue. I urge you to reflect on the moral, social and economic implications of our current sentencing practices and to take action that aligns with justice and human dignity. I appreciate your time and consideration and I am very glad to take any questions.