



**Nina Azella Milliken**

P.O. Box 147

Blue Hill, ME 04614

Phone: (207) 412-8828

[Nina.Milliken@legislature.maine.gov](mailto:Nina.Milliken@legislature.maine.gov)

# HOUSE OF REPRESENTATIVES

2 STATE HOUSE STATION

AUGUSTA, MAINE 04333-0002

(207) 287-1400

TTY: MAINE RELAY 711

April 23, 2025

*Testimony of Representative Nina Milliken presenting*  
**LD 648, An Act to Expand the Supervised Community Confinement**  
**Program**

*Before the Joint Standing Committee on Criminal Justice and Public Safety*

Good afternoon, Senator Beebe-Center, Representative Hasenfus, and friends and colleagues on the best committee in the Maine Legislature. My name is Nina Milliken and I am proud to represent the towns of Blue Hill, Brooksville, Castine, Sedgwick, Surry and Trenton in the Maine House. Today I am happy to be before you to present **LD 648, An Act to Expand the Supervised Community Confinement Program**.

The first time that I was raped, I was 12 years old. Since then, I have been raped and sexually assaulted many times. I also am a survivor of domestic violence. I am here presenting this bill as a victim/survivor of violence because I believe firmly in second chances and in rehabilitation, particularly for young people.

Under current law, the Supervised Community Confinement Program (SCCP) is available to some residents of the Department of Corrections (DOC) who are minimum custody residents and who have less than 30 months left on their sentence. They have to meet high requirements to qualify, including having an approved place to live and full-time work or education. Additionally, they are subject to all restrictions and requirements that they would be subject to on probation such as curfew, prohibitions on drug and alcohol consumption, and random checks from a probation officer.

Because of the 30-month requirement, though, I feel that the program falls short of providing a meaningful mechanism of relief for many people who deserve it. In my numerous visits to the different DOC facilities across Maine, I have met several men and women who have spent many, many years in prison and who are sentenced to long periods of time from crimes that they committed when they were young and their brains were not fully developed.

Based on the science of brain development, we know that:

- The prefrontal cortex, which governs executive functions like planning and impulse control, doesn't fully mature until around age 26. This delayed development can lead to

District 16: Blue Hill, Brooksville, Castine, Sedgwick, Surry, Trenton

challenges in decision making and risk assessment during adolescence and early adulthood.

- Due to the ongoing development of brain regions associated with reward processing, young adults are more prone to engage in risky behaviors.<sup>1</sup>
- In emotionally charged situations, young adults may exhibit diminished self-control compared to older adults, as their brain's cognitive control systems are still maturing.<sup>2</sup>
- The transition into adulthood is a critical period for mental health with many psychiatric disorders, including anxiety and depression, often emerging before age 25.

In other words, it is clear that many of the problematic behaviors we see in teenagers and young adults are greatly alleviated, not because of the punishment that we inflict on them for those behaviors, because of the simple fact that the person ages out of the challenging behavior.

This bill attempts to expand the SCCP program to cover people who committed their offenses prior to the age of 26, the age when the typical brain has had a chance to fully develop. The bill requires that the resident must have completed 15 years of their sentence, maintained a custody level of minimum, medium, or medium trustee (see amendment, which I will explain later in my testimony) for the five years prior to the application, and also meet all of the requirements for SCCP as it currently exists, except for the 30-month mark requirement.

In the first session of the 131st Legislature, Senator Beebe-Center presented a bill to bring parole back to Maine. Almost everyone on the committee then is still here, so you might all recall the various points made in support of and in opposition to that proposal. I spent a great deal of time listening to, meeting with, and hearing from all of the key stakeholders in that important conversation. And I took much of what they said to heart. In his testimony in opposition, Commissioner Randy Liberty made the case against parole by pointing out the efficacy of the Supervised Community Confinement Program saying:

“The Supervised Community Confinement Program (SCCP) of the Maine Department of Corrections allows incarcerated adult clients to serve a remaining portion of their sentence while residing in the community, rather than an MDOC facility. Individuals in this program are still under the legal custody of the department. This system of early release, which is managed by existing staff within the department and governed by statute, allows individuals to live at home, or in residential settings, take on employment, go to school, be with family, travel, and generally live like anyone else not confined to a prison setting.

Much like parole, Supervised Community Confinement provides rehabilitated residents with a means to successful reentry into the community before they’ve completed their sentence. Supervised Community Confinement has high levels of successful completion (77% in 2022) and low levels of violations (less than 7). The model has been proven to work well.”

---

<sup>1</sup> <https://www.healthline.com/health/teen-brain-development>

<sup>2</sup> <https://news.weill.cornell.edu/news/2016/05/young-adults-may-exhibit-riskier-behaviors-in-threatening-situations-due-to-continued-brain-developm>

When I met with some of the folks from Maine Coalition to End Domestic Violence (MCEDV) to discuss their opposition to the parole bill, they suggested that, instead of parole, I should just look for ways to expand SCCP. They showed up to testify in opposition to parole. They will not be testifying in opposition to this bill and neither will the Maine Coalition Against Sexual Assault. Let me emphasize that – victims services folks are not opposed to this legislation.

I also want to be sure to emphasize that simply qualifying for SCCP does not mean that the resident would be released. MDOC would hold all of the power to decide whether or not to allow a resident to be transferred to community. They know the residents best. Additionally, this bill would likely offer strong incentive for good behavior and for residents to engage in rehabilitative programming while they are locked up. Because one of the requirements for this legislation will be that a resident must have been behaviorally a minimum security resident for five years, residents will likely try to not lose their chance for early relief by misbehaving.

Consider the case of Shaun Libby. Mr. Libby has been in Maine State Prison for roughly 27 years for a crime that he committed shortly after his 18th birthday. During the decades that Mr. Libby has been in prison, he has not had a single write up. He has a job and makes good money. He has a parent who is unwell and who is in need of support. Were Mr. Libby to have some way of getting out of prison early, he would be able to move in with his sick parent and take care of them while continuing to work. Here is part of his testimony on the parole bill from the 131st:

“I graduated with a Bachelor’s Degree from UMA in the Science of Mental Health and Human Services, I am currently enrolled in a Master’s Degree program in Youth Development at Michigan State University, I co-developed and co-facilitate a mentor-style program where incarcerated and previously incarcerated individuals work with incarcerated youth, I am a certified Literacy Volunteer who has tutored many men and helped them achieve their GED/HiSET, I am a Certified Recovery Coach who has worked one-on-one with men struggling with addiction, I am a peer mentor in the Intensive Mental Health Unit, I have trained 18 shelter dogs for adoption, I sit on a Restorative Justice Steering Committee with other residents and prison staff working collaboratively to bring Restorative Practices to the prison environment, I have co-developed and facilitated a Restorative Justice Basics course to other residents, I currently volunteer in an advisory role to the Restorative Justice Project of Maine, I have facilitated a reentry course to residents preparing for release, and I was an Executive Board member of the prison branch of the NAACP for many years among other things.”

Mr. Libby goes on to point out that he is not unique in MDOC. There are hundreds of people in our prison system who are doing a lot of hard work to better themselves. I recently received an email from a resident at Maine State Prison (MSP) who is doing a life sentence for a crime he committed very young. He ended the email by saying “I have a large portfolio of accomplishments, but nobody to show it to.”

In addition to the bill before you, I also asked Mr. Tew to draft an amendment. It was never my intention to offer a mechanism for people who are not safe to be in community an opportunity to apply to be in community. The amendment that I am offering to the bill clarifies that. The bill as drafted offers residents who are minimum, medium trustee, and medium custody an opportunity to apply if they meet all of the requirements. One of the standards that would keep a resident from being considered minimum custody is if they have more than five years remaining on their sentence. The amendment clarifies that people who are medium or medium trustee can only apply for SCCP under this bill if the only thing that keeps them from being considered a minimum custody resident is that they have more than five years on their sentence. In other words, their behavior would have to align entirely with expectations of a minimum-level resident.

I'd like to close by saying that as a victim of violence, I never reported any of the crimes committed against me to law enforcement and the reason for that is consistent with the reasons why a lot of women don't. I didn't want my rapists to go to prison. I wanted them to understand the harm that they caused me. I wanted them to understand the harm their actions caused my family. And I wanted them to never commit that harm on anyone else. Once these lessons have been taught to the men and women in our prison system, it deeply pains me as a victim of violence that my experience as a victim is used as a means of justifying their ongoing incarceration.

As always, I am grateful for your thoughts and consideration and am happy to take any questions.