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TESTIMONY OF

ANTHONY CANTILLO, DEPUTY COMMISSIONER MAINE DEPARTMENT OF CORRECTIONS

April 28, 2025

In Opposition to:

LD 1000, An Act to Require Correctional Facilities and Substance Use Disorder Treatment Facilities to Release Prisoners and Patients to a Responsible Adult

Senator Beebe-Center, Representative Hasenfus and distinguished members of the Joint Standing Committee on Criminal Justice and Public Safety, I am Tony Cantillo, Deputy Commissioner at the Maine Department of Corrections (DOC) providing testimony today in opposition to LD 1000, An Act to Require Correctional Facilities and Substance Use Disorder Treatment Facilities to Release Prisoners and Patients to a Responsible Adult.

The portion of this proposal relevant to the Department of Corrections appears to be aimed at ensuring that residents leaving department custody have some baseline level of support for their transition back to the community. That is a laudable goal, that aligns well with the department's operating philosophy under the Maine Model of Corrections. However, the bill as printed leaves our department with a lot of questions regarding how this would be implemented and how it would align with our other legal obligations. The department's concerns are summarized below:

- Must every resident be released to a "responsible adult"? What if a resident does not require the level of support envisioned by this bill?
- What does "responsible adult" mean and how is the department supposed to evaluate or identify such a person?
- Does the "responsible adult" have obligations or legal authority to maintain care or oversight over the person released to them? If so, under what law are those obligations or authority established? How long do they last? What is their scope? Is the releasing person in the custody of the "responsible adult"? People releasing from DOC custody are regaining the liberties lost as part of the criminal legal process. The terms of their sentences are set by a court at the time of sentencing. This bill appears to be imposing an additional burden to their liberty that is outside the criminal process.
- What happens if the department cannot identify a "responsible adult"? Must the department keep people in its custody until such a person can be identified? The department's legal authority to keep a person in its custody is determined by the terms of that person's sentence. The department does not have the legal authority to, and should not, keep any person beyond the term of commitment or transfer established by an appropriate legal mechanism or order.

For the reasons stated above, while the department is supportive of what we assume to be the intent behind this proposal, the department respectfully presents this testimony in opposition to LD 1000.

This concludes my testimony. I am happy to answer any questions.

Anthony Cantillo
Deputy Commissioner
Maine Department of Corrections