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COMMISSIONER

## TESTIMONY OF

**ANTHONY CANTILLO, DEPUTY COMMISSIONER  
MAINE DEPARTMENT OF CORRECTIONS**

**April 28, 2025**

**In Opposition to:**

### **LD 1693, An Act to Establish a Sustainable Housing Development Prison Work Program**

Senator Beebe-Center, Representative Hasenfus and distinguished members of the Joint Standing Committee on Criminal Justice and Public Safety, I am Anthony Cantillo, Deputy Commissioner at the Maine Department of Corrections (DOC) providing testimony today in opposition to LD 1693, An Act to Establish a Sustainable Housing Development Prison Work Program.

I want to begin my testimony today by thanking the sponsor for bringing forward a creative and forwarding thinking approach to addressing more than a few of the challenges faced by our state. The program outlined in this bill aims to bolster workforce development for residents by training them in home construction techniques and to build on our current partnerships with community colleges and industry partners to create access to construction-related certification programs. In providing those opportunities to residents, the bill also aims to create a pathway for building affordable homes that could be used to address the state's housing shortage. This is the kind of thinking we encourage and support at the Department of Corrections. The spirit behind this idea is very much aligned with the Maine Model of Corrections. For that reason, the department is not fundamentally opposed to the aspirations behind this proposal, our opposition today is about the implementation of the bill as currently written. Our concerns fall into a number of different categories, but the overarching throughline is that this bill is highly prescriptive in a way that is neither necessary nor consistent with the other programs offered by the department. As currently drafted, this bill would also be enormously expensive to implement.

While I will not go through every technical and practical concern with the proposal today, there are a few worth noting. First, the provision requiring the department to "ensure that residents participating in the program accurately reflect the demographics (§3036-C (2)) of the general resident populations of all correctional facilities" will not work in practice. While the department makes every effort to ensure that equal opportunity exists for all residents within our facilities, program participation seldom reflects our population with perfect parity due to several factors (for example: level of interest; available time; or some programs being so small that they end up over or under represented by the addition of one or two residents). As noted in the recent Boston Globe story regarding our remote work programs "more than a quarter of those who've had remote jobs are Black or Latino" despite close to 90 percent of our population being white. This is not due to a particular department initiative, it simply is a reflection of those who have been interested in and qualified for remote work. While we will always strive to ensure equal opportunity, we would not want to artificially limit access to any particular program in order to ensure it perfectly aligns with current demographics.

Second, is the rulemaking provision (§3036-C (8)). For programs such as these there simply is not a need to go through the rulemaking process. The requisite directive is provided in statute and it's best to allow the department the flexibility it needs to pivot quickly when adjustments to implementation are necessary, as they often are when creating a program that is the first of its kind. Third, the oversight committee provision (§3036-C (6)) is not necessary or ideal when it comes to



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the implementation of corrections programming. Running programs in a correctional facility requires specialized knowledge and considerations of the correctional setting. If the department is directed to pursue this program, we can be trusted to operate it in good faith and provide the Legislature with any amount of information it may desire about the program.

In addition to the technical and practical concerns it's also worth noting that this bill provides an additional 4 days per month of sentence deductions on top of what residents already get as sentence deductions for work program participation (3 days a month regardless of the sentencing code for facility work and an extra 2 days a month for community work under the 1983 and 2004 codes, but not the 1995 code). This is a substantial addition to the amount of time currently available through the existing codes under 17-A MRSA Chapter 81, one that the administration cannot currently support. If additional sentence deductions were to be created the committee should also consider whether it would be appropriate to make them available for a specific program to the exclusion of similar ones. The committee should also consider that sentence deductions should be located in the same part of statute, so that they are easily identified by those who need to be aware of them. It's also worth noting here that any sentence deductions available under this program would only be available to be applied prospectively (only for those who commit their crimes on or after the effective date of the law – see *Bossie v. State*, 488 A.2d 477 (Me.1985)) and would result in residents working side by side in this program earning dramatically different amounts of time depending on when they committed their crimes.

Finally, the Department of Corrections has not had an opportunity to consult with the other identified state agencies who have responsibilities outlined in this proposal. Before moving forward we would want the opportunity to consult with Bureau of Labor, Maine State Housing, and Bureau of Revenue Services to determine what level of involvement, if any, would be appropriate for a program such as this.

Despite these concerns the department remains interested in the underlying idea behind this proposal and very willing to continue discussions with the sponsor about whether there is a version of this program or something similar that we could pursue. We're not entirely convinced that legislation is necessary for that endeavor, but it may be necessary if such a program could not be done without funding support. We appreciate the sponsor bringing this idea forward and we ask that the committee give us some time to have further discussions. However, for the reasons stated above, the department respectfully presents this testimony in opposition to the proposal as currently drafted.

This concludes my testimony.

I am happy to answer any questions.

Anthony Cantillo  
Deputy Commissioner  
Maine Department of Corrections