

**130th Legislature**  
**Senate of**  
**Maine**  
**Senate District 12**

**Senator David R. Miramant**  
3 State House Station  
Augusta, ME 04333-0003  
(207) 287-1515  
David.Miramant@legislature.maine.gov

April 5, 2021

**Testimony Presenting**

**LD 801**

**"An Act Regarding Sentencing Options for a Person Convicted of a Crime Committed While Serving a Term of Imprisonment"**

Good afternoon Sen. Deschambault, Rep. Warren, and distinguished members of the Criminal Justice and Public Safety Committee. My name is Dave Miramant, and I proudly represent all of the people of Appleton, Camden, Criehaven, Cushing, Friendship, Hope, Isle au Haut, Matinicus, Muscle Ridge Islands, North Haven, Owl's Head, Rockland, Rockport, South Thomaston, St. George, Thomaston, Union, Vinalhaven and Warren in the Maine Senate.

I come before you today to present LD 801, An Act Regarding Sentencing Options for a Person Convicted of a Crime Committed While Serving a Term of Imprisonment

When a respected lawyer in my community asked me to put in this bill my first thought was that I had read it incorrectly and so I reread it several times. I had not misunderstood and it really did intend to allow for the concurrent serving of time for new crimes perpetrated while someone was incarcerated.

Because I was unable to understand how such a system would be a deterrent to an inmate if the opportunity arose to commit a crime I spoke directly with the lawyer and came to agree that this is necessary.

I think most of us have the idea that the folks who would be in a situation of committing another crime when they are already in jail are going to think before acting. Unfortunately, this overlooks the fact that in many cases our jails and prisons have become a repository for folks with a degree of mental illness that may not allow this level of cognition.

We are dealing with that problem at every level of society now. On the front lines, police officers are called to deal with the mentally ill as if they are criminals when what is needed is a healthcare professional who understands how to communicate and de-escalate a situation. In jails and prisons, the same situation occurs with correctional officers taking on the role when they do

not have the training that might be helpful, or the person they are dealing with cannot understand the issue.

This leads us back to this bill. Your committee has been dealing with giving more discretion to judges and prosecutors to pull back from the draconian policies of mandatory minimum sentences. Those policies were hard to watch because they didn't just keep people off the streets who needed to be in prison, they put folks away who had made a few mistakes and until the last never made an effort to defend themselves properly until it was too late.

These lessons are the reason for this bill. There are inmates who will be brought before judges when they commit an additional offense while they are incarcerated. We need to give these judges and the prosecutors who bring the charges, a chance to look at the whole picture and determine if more time behind bars at our expense will protect the public, or if this is just rote adherence to the law without the wisdom and compassion of an informed judiciary.

Please add this tool to the expansion of discretion that we trust our judges to use properly.

Thank you for your consideration, I am glad to answer questions if I can.