



MAINE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

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Senator Pinny Beebe-Center, Chair
Representative Suzanne Salisbury, Chair
Committee on Criminal Justice & Public Safety
100 State House Station, Room 1359
Augusta, ME 04333

RE: LD 1359: An Act to Provide an Opportunity for Resentencing for Individuals Who Were Sentenced for Crimes Committed as Juveniles

Dear Senator Beebe-Center, Representative Salisbury, and Honorable Members of the Criminal Justice & Public Safety Committee:

I am here today on behalf of MACDL to testify in support of LD 1359 and to encourage this Committee to carry over this important bill until next session. Thank you to Representative Sophie Warren for her work on the current bill and her dedication to making this legislation even stronger for the short session. It is necessary for advocates and other stakeholders to come together with Rep. Warren to discuss this bill and how similar legislation has proceeded in other jurisdictions in order to craft a bill that is right for Maine.

Each year in Maine, a small number of juvenile defendants are “bound over” into adult court for serious alleged offenses, meaning that their trial, if any, will likely be before a jury and a sentence imposed will be one that is codified in Maine’s adult Criminal Code. This includes sentences for crimes such as murder, sexual assault, and other violent crimes. Without dragging down this brief testimony into the minutiae of the bind over process, suffice it to say that in Maine, there is no limitation on the sentence a juvenile bound over into adult court can receive for crimes such as murder (mandatory minimum of 25 years with a maximum of life or any term of years, i.e. 70 years in prison) or aggravated attempted murder (a maximum life sentence).

The initial proposal allows for a “second look” for lengthy sentences imposed on people who were juveniles at the time of their conduct. Currently, there is no mechanism to review or reduce a sentence imposed outside of the appeal or post-conviction review process. This proposal recognizes the transient nature of youth and factors such as impulsivity, recklessness, and more that are markers of emerging adult brain development—and which characteristics are usually tempered simply by the young person growing older. Children are different, the U.S. Supreme Court has recognized. Across the country, this truism is resulting in extensive amendments to juvenile codes and sentencing and imprisonment policies. Maine needs to catch up and become a leader on these vital issues for our state’s young people.

Thank you for your consideration, for your attention to this matter, and for allowing me to share this testimony with you all today. I hope to be able to continue to work with Representative Warren and other stakeholders to craft legislation that would ensure that Maine’s youth have a second chance at freedom.

Sincerely,
/s/ *Tina Heather Nadeau*, Esq.
MACDL Executive Director