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February 6, 2025

Senator Anne Carney, Chair
Representative Amy Kuhn, Chair
Committee on Judiciary
100 State House Station, Room 438
Augusta, ME 04330

RE: LD 332 – An Act to Establish Mandatory Minimum Sentences for Gross Sexual Assaults Against Children and Aggravated Sex Trafficking of Children

Dear Senator Carney, Representative Kuhn, and Members of the Committee on Judiciary,

MACDL opposes LD 332, *An Act to Establish Mandatory Minimum Sentences for Gross Sexual Assaults Against Children and Aggravated Sex Trafficking of Children*

While the intent of LD 332—to protect children from harm—is unquestionably important, a just and effective criminal justice system must ensure accountability, while allowing courts the flexibility to impose sentences that fit the unique circumstances of each case. LD 332 removes that critical judicial discretion, leading to unintended negative consequences.

Mandatory minimum sentencing laws have been widely criticized for their one-size-fits-all approach to justice. While crimes against children are unquestionably serious and deserving of strong penalties, rigid sentencing requirements strip judges of their ability to weigh individual circumstances, including the defendant's intent, level of culpability, and potential for rehabilitation.

Mandatory minimums increase incarceration rates, leading to higher costs for Maine taxpayers. Instead, resources should be directed toward preventative measures, such as stronger child protection services, victim support programs, and effective rehabilitation initiatives.

In cases of child sexual abuse, mandatory minimums can unintentionally harm victims. When faced with a guaranteed long prison term, some defendants may refuse to plead guilty, forcing young victims to testify in court and relive their trauma. Prosecutors may also be more hesitant to bring charges in cases where a conviction is uncertain due to the severity of the mandatory penalty, potentially allowing some offenders to evade justice altogether.

Additionally, judges already have the ability to impose significant sentences in the most egregious cases. Maine's current legal framework allows for appropriate sentencing based on the severity of each case, rather than imposing blanket mandates that fail to account for key differences between offenses.

Instead of adopting mandatory minimums, Maine should focus on strengthening judicial discretion, supporting survivors, and improving rehabilitation programs to prevent future offenses. Expanding access to evidence-based treatment programs for offenders at risk of recidivism and increasing funding for child protection services would do far more to keep children safe than rigid sentencing laws that have failed in other states.

LD 332 is a misguided attempt at justice that would undermine judicial discretion, increase incarceration costs, and risk unintended harm to victims. While protecting children from exploitation and abuse must remain a top priority, Maine should pursue smarter, evidence-based policies that enhance public safety without resorting to inflexible and ineffective mandatory sentencing laws.

For these reasons, MACDL urges you and your colleagues to oppose LD 332.

Sincerely,



Eric S. Thistle, Esq.
MACDL Member