

## **Draft Testimony of Lani Graham, MD, MPH**

### **In Support of LD 1113**

### **An Act Regarding Fairness in Sentencing for Persons Under 26 Years of Age"**

### **Presented by Representative Warren**

### **Before the Judiciary Committee, March 31, 2025**

Senator Carney, Representative Kuhn and Members of the Judiciary Committee, my name is Lani Graham. I am from Freeport and am in support of LD 1113 as a public health expert and as a physician. This bill takes a very important step toward creating fairness for youthful offenders.

Any physician will tell you that the brain development of children is incomplete until about age 26. Up until that time, the prefrontal cortex, responsible for decision making and judgement is not completely developed. And as any parent will tell you, that lack of full development can lead to poor decisions that people later laugh about, or to decisions that can ruin a life. This bill recognizes those simple facts and begins a process to make Maine's criminal justice system more just.

As you consider this bill, I want to tell you a brief story about a man I met last summer. He committed his offense when he was 20. He was given a life sentence. He spent the next 45 years in the Maine State Prison at taxpayer expense. After 20 years, those who had been harmed by his actions were either deceased or had left the area. He lost contact with his daughter who was only a baby when he went to prison. He never met his grandchildren. He did everything he could to lead an exemplary life inside the prison. He got an education and became central to the prison service dogs program. Tragically he developed terminal cancer in the spring of 2024. He was finally given compassionate release to a Nursing Home in August of 2024 and died several weeks later. Surely this a man who could have been considered for the Supervised Community Confinement Program many years earlier. There are many in Maine prisons who are not unlike this man, youthful offenders now middle aged.

It should come as no surprise to anyone that the United States and Maine have long pursued a primarily punitive approach to crime that is not endorsed by any other developed nation. Maine's incarceration rate is 272/100,000 people. This rate significantly exceeds that of the United Kingdom (146), Canda (109), Norway (54) and many other developed nations.<sup>1</sup> Even if you argue that Maine's rate is half of what it was, we would still be incarcerating at a high rate, beyond our more thoughtful neighbors. Also of course we incarcerate the mentally ill and those with addiction disorders. Our focus thus needs to be

---

<sup>1</sup> <https://www.prisonpolicy.org/profiles/ME.html>

on reasonable reductions to our incarcerated population particularly as they get older. This bill offers a very modest approach to that goal by limiting the amount of time that a youthful offender can remain incarcerated.

We often talk about rehabilitation, yet often fail to give those incarcerated in Maine prisons a chance to demonstrate their fitness to return to communities. We have no parole and life sentences are often meted out. It is quite clear that Maine is pointed to punishment and not rehabilitation or restorative justice.

Fifteen years of incarceration seems like plenty of time to demonstrate fitness for return to a community. If a person committed a crime at the age of 20, they would be in their mid 30's before they could be considered for Supervised Community Confinement. And even at that point there would be no certainty of the offender achieving Supervised Community Confinement. They would simply become eligible for consideration and would have to be evaluated by the very strict criteria now being used for the program. But it would offer an inducement for the incarcerated person to make the greatest possible effort to become the best person they can be. This would be excellent for their ultimate release and would offer hope to those inside and to their family and friends.

I hope you will give full support to this excellent bill.