



Janet T. Mills
GOVERNOR

STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0001

April 22, 2021

Honorable Anne Carney, Chair
Honorable Thom Harnett, Chair
Joint Standing Committee on Judiciary
Room 438, State House
Augusta, Maine 04333

Dear Senator Carney and Representative Harnett:

I am writing to convey the opposition of the Governor to L.D. 842, *An Act to Reestablish Parole*.

The State of Maine abolished parole when the Maine Criminal Code was adopted in 1976, moving away from the indeterminate sentences allowed by parole, favoring truth in sentencing instead.¹ The term of a determinate sentence is finally set by judge, while in indeterminate sentences the parole board may reevaluate that decision later. The Legislature favored determinate sentences because the judge who sits through a trial and hears all the evidence is in the best position to decide the appropriate sentence. The Legislature heard concerns of both victims and inmates that parole created uncertainty about sentences that was problematic. Victims were faced with relitigating their trauma every other year, fearful each time that this time the offender would be released. The parole system also left many inmates unhappy because the criteria for parole are amorphous, and many inmates were uncertain about how to satisfy them. The possibility of parole also led to some still dangerous inmates passing themselves off as reformed when they were not, and then going on to commit violent offenses while on parole.

For these reasons, the Legislature was correct to abandon parole in 1976 and should not reverse course now.

Sincerely,

Tim Feeley
Deputy Legal Counsel

¹ Melvyn Zarr, *Commentaries on the Maine Criminal Code: Sentencing*, 28 Me. L. Rev., 117, 148 (1976).



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