

To: Commission to Examine Reestablishing Parole
From: Legislative Staff
Date: October 7, 2022
Re: Information Requests

Historical Budget Information Related to Parole

In the 46 years since the elimination of parole in Maine a great deal has changed in the organization and administration of parole that makes it difficult to track down budgetary information. This is further amplified if we look back 109 years to 1913, when parole was first established. In 1957, the Department of Institutional Service became the Department of Mental Health and Corrections. The Division of Probation and Parole was created in 1967, bringing many of the administrative and budgetary resources under one agency. The Department of Corrections was not created until 1981, five years after parole was eliminated. The Parole Board was put under the Department of Corrections in 1983, when the Legislature enacted [Title 34-A, section 5201](#).

Attached to this document (Appendix I) is a compilation of budgetary excerpts from the *Maine State Government Annual Reports* for the Parole Board and the Division of Probation and Parole. Rather than provide almost 50 years of budgets, we've started with 1975, 1976, 1983, 1990, 2000, 2010, and 2020, and also included a similar budgetary report from 1973-1974. This should provide a budgetary record of the years leading up to, and immediately following, the elimination of parole, while also providing a general sense of how the budgets changed in the decades that followed. We are happy to pull budgets from additional years, at your request.

When did life sentences first become eligible for parole in Maine?

The original legislation establishing parole in Maine, [Public Law 1913, Chapter 60](#), explicitly excluded persons “convicted of an offense the only punishment for which prescribed by law is imprisonment for life” from eligibility for parole.¹ The provision creating that exclusion remained until the Ninety-sixth Legislature passed [Public Law 1953, Chapter 382](#), which explicitly made parole available for persons convicted of those offenses.

By the time of the 1965 recodification ([see Title 34 as of 1965 Recodification](#)), the Legislature had included additional provisions regarding parole for life sentences. Under §1672, sub-§3, a person serving a life sentence would only become eligible for a hearing by the parole board after serving 30 years of imprisonment, less deductions for good behavior. Under §1678, the parole board was prohibited from discharging a parolee convicted of a life sentence until that person had been on parole for at least 10 years.

¹ Public Law 1913, Chapter 60, Section 3.

Immediately prior to the 1976 enactment of the Criminal Code, and the elimination of parole in Maine, the minimum time served for a person serving a life sentence to be eligible for a hearing by the parole board had been reduced from 30 years to 15 years.²

Currently, for those convicted prior to the enactment of the Criminal Code in 1976, the relevant provisions are located in [Title 34-A, Chapter 5](#). Under §5803, sub-§3, a person serving a life sentence only becomes eligible for a hearing by the parole board after serving 15 years of imprisonment, less deductions for good behavior. Under §5809, the parole board is prohibited from discharging a parolee convicted of a life sentence until that person has been on parole for at least 10 years.

Can people incarcerated in Maine vote?

Maine is one of only three jurisdictions within the United States where people do not lose the right to vote while incarcerated. The other two jurisdictions are the State of Vermont and the District of Columbia.³ For more information, see the Secretary of State's [Maine Voting Residence Fact Sheet](#) and [Title 21-A, §112](#).

Information regarding parole in Colorado

Discretionary parole release was abolished in Colorado in 1979, but reestablished in 1985 in legislation that doubled the maximum authorized sentences for most felonies. In 1993, [House Bill 93-1302](#) created mandatory parole for all inmates released from prison who committed a crime on or after July 1, 1993. Colorado's current parole statutes are available [at this link](#).

For information regarding the Colorado Parole Board's policies and procedures, see the resources available [at this link](#). For reference materials regarding the Colorado Parole Board budgets, decisions, and regulatory agenda, see the resources available [at this link](#).

At the first commission meeting, information was requested regarding the recidivism rates in Colorado, separated between those who have been on parole and those who have not. We are still working to get information responsive to this request.

² Based on the MRSA Volume 15, 1973 Supplementary Pamphlet. The 1974 Supplementary Pamphlet, does not include these sections. The 1975 Supplementary Pamphlet shows the sections as repealed.

³ See article from the National Conference of State Legislatures: <https://www.ncsl.org/research/elections-and-campaigns/felon-voting-rights.aspx>

Additional Resources

- Maine's current parole board is established under [Title 34-A, Chapter 5](#). You can also review the board's rules, policies, and procedures on the bottom of the page [at this link](#).
- The National Conference of State Legislatures (NCSL) has two useful interactive tools that might be helpful in understanding the differences among the 50 states: (1) [Database of Statutes Defining Probation and Parole Violations](#); (2) [Database of Incarceration Caps for Technical Violations of Supervision](#).
- The National Conference of State Legislatures has also produced a number of articles and reports related to the topics of parole, community supervision, probation, and sentencing.
 - [NSCL Community Supervision Resources](#)
 - [Community Supervision Significant Enactment Database](#)
 - [Community Supervision Reports](#)
 - [Tailoring Conditions of Supervision](#)
 - [Limiting Incarceration in Response to Technical Violations](#)
 - [Principles of Effective State Sentencing and Corrections Policy](#)
 - [Making Sense of Sentencing: State Systems and Policies \(2015\)](#)
 - [Probation and Parole Violations: State Responses \(2008\)](#)
- The University of Minnesota, Robina Institute of Criminal Law and Criminal Justice, has also produced a number of reports related to parole, including a State report on Maine's prison release discretion and population size.
 - [State Report: Maine – Prison Release Discretion and Prison Population Size \(2021\)](#)
 - [Modernizing Parole Statutes: Guidance from Evidence-Based Practice \(2018\)](#)
 - [Profiles in Parole Release and Revocation: Examining the Legal Framework in the United States](#)
 - [In Depth: Sentencing Guidelines and Discretionary Parole Release](#)
- PEW Charitable Trusts has also produced two reports related to state prison healthcare spending and data regarding community supervision programs in the United States.
 - [State Prison Healthcare Spending \(2014\)](#)
 - [Probation and Parole Systems Marked by High Stakes, Missed Opportunities \(2018\)](#)
- The United States, Department of Justice, Bureau of Justice Statistics released a report in 2020, reviewing figures between 2008 and 2018: [Probation and Parole in the United States, 2017-2018](#)

- There have also been a number of resources submitted to the commission by interested parties, linked below:
 - [Prison Policy Initiative, Maine Profile](#)
 - [2022: National Alliance for Justice and Safety: Crime Survivors Speak Report](#)
 - [2016: National Alliance for Justice and Safety: Crime Survivors Speak Report](#)
 - [Maine Center for Economic Policy & ACLU Maine – A Better Path for Maine: The Case for Decriminalizing Drugs](#)
 - [The Sentencing Project: How Many People Are Spending Over a Decade in Prison](#)