

INTRODUCTION

Democracy requires the presence of differing opinions and perspectives. Anything less would be authoritarianism or communism, both systems that have proven disastrous long-term. We forget that our Thanksgiving table political arguments are a negative symptom of a larger positive, free speech. The United States' two-party system consists of the Democratic Party, blue, and the Republican Party, red; a divide most apparent during the presidential election. Democrats tend to support a stronger, more extensive government, gun control, pro-immigration policies, increased environmental conservation laws, and gay rights. Republicans tend to support the free market with limited governmental control, pro-gun laws, anti-immigration policies, limited conservation laws, and traditional viewpoints on gay rights. This article will focus on the criminal justice system, including differences and similarities, between two states that are politically opposing. Each state's political affiliation is most apparent during the Presidential Election. The Electoral College grants each state several votes based on its population. The northernmost east coast state, Maine, has 4 electoral college votes, 3 of which were cast for the democratic candidate during the 2024 Presidential election. The southernmost east coast state, Florida, has 30 electoral college votes, all of which were cast for the republican candidate. I selected Maine and Florida due to their solid standing and opposite political affiliations, and because I'm a Maine resident and Chris Boals is a Florida resident. Our differing experiences with the Criminal Justice system in our respective states have led to fruitful and introspective conversations despite our opposing political affiliations.

DIFFERENCES

The FBI's Universal Crime Reporting (UCR) program publishes annual crime statistics utilized by law enforcement officers and community members. It is a compilation of age demographics, crime rates, and rates per 100,000 community residents. It's important to note that this data is an accumulation of reported crime statistics, so unreported or undiscovered crimes are not included. This means the real number is likely larger than what the data shows, a phantom the criminal justice community refers to as the dark figure of crime. According to the last published UCR report in 2019, Florida has a population of 21,477,737, which is roughly 20 times larger than Maine's population of 1,344,212. Florida's violent crime rate is 36,170, making its rate of violent crime per 100,000 residents 340.7. Maine had 1,548 reported annual violent crimes, or 115.2 per 100,000 residents.

Those who are convicted and sentenced to prison for their crimes face different programs and challenges depending on the state. A major sentencing disparity is that Maine's highest sentence is life in prison without parole, while Florida's is Capital punishment, commonly known as the death penalty. Maine abolished the death penalty in 1876, reinstated it in 1883, and abolished it for the second time in 1887 after an execution by hanging went wrong. Daniel Wilkinson died a slow and painful death because the noose used to hang him was too loose, a cruel and unusual punishment that, despite being an accident, was enough for the state to prevent any further executions (Death Penalty Information Center, 2014). Florida has not abolished the death penalty and continues to use it as the ultimate punishment.

Methods changed from hanging to electrocution, then to lethal injection in the 1990s after three failed electrocution attempts (Death Penalty Information Center, 2025). In 2023, Governor Ron DeSantis eliminated the unanimous jury requirement needed to sentence someone to death. Now, an 8-juror majority vote is required, increasing the likelihood of death penalty sentences. Florida has executed 114 people in the last 50 years, including Aileen Wuornos, who is considered the first female serial killer in America (Death Penalty Information Center, 2025).

Referred to as Good Time in Maine and Gaintime in Florida, many correctional institutions offer inmates time off their sentence for participating in available jobs and programs while maintaining good behavior. This encourages appropriate conduct and is available for those who meet certain eligibility requirements. For example, those imprisoned for life are not eligible for release, so this doesn't apply to them. Maine inmates can have 7 days a month deducted from their sentence at maximum: four days for good conduct, three for participating in a work program, and two days for participating in educational and rehabilitation programs (Maine Department of Corrections, 2022). Maine correctional facilities also offer the Supervised Community Confinement Program (SCCP), which allows inmates eligible for release to serve the remainder of their sentence at a community residency approved by the court. Inmates serving less than 5 years are required to serve half of their sentence, and inmates serving over 5 years are required to serve two-thirds of their sentence. Good Time can be earned throughout the sentence, but is only factored in once time requirements are met (Maine Department of Corrections, 2022).

Florida has one of the highest time requirements in the country, as inmates must serve 85% of their sentence before being eligible for release. This is over four-fifths of a sentence, a much harsher requirement than the two-thirds rule in Maine. Gaintime is only earned until the sentence is down to that 85% mark (Florida Department of Corrections, n.d). Florida inmates earn days for good behavior and other milestones. For example, those who earn a GED or who perform a meritorious act, such as saving a life or preventing an escape, are rewarded 60 days of Gaintime. Florida allows inmates to deduct up to 10 days per month for maintaining good behavior, working, and participating in other programs. This is three days higher than Maine's monthly Good Time maximum, but a longer required serving time comes with it (Florida Department of Corrections, n.d).

Another distinction between Maine's and Florida's justice systems lies in the legal justifications for using lethal or non-lethal force in self-defense. Self-defense is the justifiable use of or threat of lethal or non-lethal force when it's necessary to prevent death or serious bodily harm to oneself or another. Florida is infamous for its "stand your ground" law, which permits, if the above definition applies, an individual to stand their ground and use lethal force even if retreat is possible (Florida Statutes, 2024). Maine's self-defense law forbids this, stating that if retreat is a possible avenue, it must be done before lethal force is applied. Standing your ground in Maine could result in a guilty verdict if retreat is proven possible in court (17-A M.R.S. § 108(1)-(2), 2024). This similarly applies to Florida's "shoot first" law, which is the same as the stand your ground law with the lethal use of firearms. Maine does not permit this law and maintains the necessity of retreating if possible.

SIMILARITIES

The differences between Maine and Florida are as extensive as their opposing geographic regions and weather patterns. However, there are many similarities between the two that are worthy of expansion. For starters, Maine is ranked by Everytown Research and Policy (2025) as #22 in the country for gun law strength, while Florida is ranked #21. Gun violence has been a controversial topic in recent years due to the prevalence of mass shootings in America. In October 2023, the Lewiston shooting, the first mass shooting in Maine, shattered the common perception that Maine is the safest State in the country. However, although a majority liberal state, many people forget that Maine, at its core, is a rural, woodland state. We're hunters who love our guns. The legal age to purchase a gun in Maine is 18, three years younger than Florida's required age of 21.

Maine also has a permitless carry policy for individuals above 21 years old, while Florida requires a permit to carry (Everytown Research and Policy, 2024 & 2025). A background check and a permit to purchase firearms are required to buy a gun in Maine. The state has also implemented a 24-hour wait period after purchase before the gun can be acquired, allowing time for depressive or angry emotions to dissipate in an effort to prevent shootings and suicides (Everytown Research and Policy, 2024). Following the mass shooting at Marjory Stoneman Douglas High School, Florida permitted the Extreme Risk Act, which allows law enforcement and family members to petition a court to temporarily remove firearms from the possession of an individual who poses a threat to themselves and others (Everytown Research and Policy, 2025). If Maine had an act like this in place, the Lewiston shooting never would have occurred.

Florida has a tough-on-crime mentality that comes with stricter laws and longer sentencing. With a current prison population of 90,000, many inmates are flooding in while only a few trickle out. Romy Ellenbogen (2023) states that without investing billions into maintaining prisons, building new ones, and maintaining adequate wages for staff, the Florida prison system cannot be sustained. Correctional facility turnover rates range from 24% to 72%, causing issues with limited staff handling an influx of inmates. Governor Ron DeSantis responded to this problem by assigning members of the National Guard to temporarily substitute as correctional officers. If Florida's prison population continues to grow at its current rate, the population in 20 years will be between 108,000 and 124,000 (Ellenbogen, 2023).

Despite the differences in state populations, Maine is steering towards a similar trajectory. The prison population has risen 2% since 2019 (Anderson, 2025), likely due to an increase in domestic violence and drug use following the COVID-19 pandemic. Maine's opioid drug epidemic has ravaged Midcoast Maine and led to stricter sentencing laws that have led to harsher sentences for less. For example, to obtain a heroin trafficking charge in Florida, one must possess 4 grams of heroin. In Maine, the same applies to possession of 2 grams of heroin (Maine State Legislature, n.d). Neither Maine nor Florida offers parole, a system that allows inmates to be released under strict supervision after serving some of their sentence.

In a National Public Radio (2025) interview, Matthew Charles, a criminal justice reformist, stated, “We don’t really believe in rehabilitation anymore. We just believe in incapacitation, meaning, we’re going to warehouse you for a specific period of time, and we don’t care if you get better or worse while you’re behind bars.” It appears that both states, regardless of political affiliation, are facing overcrowding with limited staffing, which is negatively impacting the inmates' ability to rehabilitate.

FINAL THOUGHTS

The red and blue divide is distracting us from the larger issue: the United States has the largest prison population in the world, 1,808,100, and it’s only increasing (World Population Review, 2025). Other tragedies, like mass shootings, impact communities regardless of state political affiliation, leaving internal scars that never fully heal. In the end, harsh punishments and longer sentences are the result of people desperately chasing the feeling of safety and comfort. We want to sleep soundly at night knowing that dangerous people cannot hurt us. It’s why some people fight harder than others for their Second Amendment right; having a gun within reach is a safety net that’s hard to match. Prisons are overpopulated because longer sentences and harsher punishments keep criminals off the street, but it also dooms those capable of change to stigmatization and lost time. We assume that change isn’t possible because it’s easier to carry this mentality than to be victimized because the wrong person was given a second chance.

Once someone is incarcerated, we tend to move on and leave them to rot. We’re trained to do this from a young age. One second, you fall behind in math, the next you’re in low-level classes, given no extra attention, and being treated like you’ll always be at the bottom of the barrel. They don’t ask what’s going on at home, what’s distracting you from school, what trauma was so severe it occupies your every thought. They simply push you to the back of the line, focusing only on the front, and don’t care whether or not you sink or swim. Prisons are the same. We don’t care if the person stole because they hadn’t eaten in days, or if they fight others because they witnessed domestic violence from a young age, and it’s all they’ve ever known. These questions are too hard to ask, so instead, we punish, and punish, and punish, using “they deserve it” as a crutch to justify the overcrowding and lack of funding that goes into our prisons. There is a light at the end of the tunnel, and there are goals to strive for. We must do better as a country to show that mistakes don’t define us.

References

- Anderson, M. (2025, January 10). *The prison population is going up as prisons struggle with staffing and overpopulation*. Maine Public.
<https://www.mainepublic.org/2025-01-10/the-prison-population-is-going-up-as-prisons-struggle-with-staffing-and-overpopulation>
- Ellenbogen, R. (2023, November 16). *Fla. prison system “unsustainable” without billions in upgrades, Auditor says*. Corrections1.
<https://www.corrections1.com/jail-upgrades/fla-prison-system-unsustainable-without-billions-in-upgrades-auditor-says>
- FBI — Table 5: Crime in the United States. (2019).
<https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019/topic-pages/tables/table-5>
- Florida. Death Penalty Information Center. (2025, July 8).
<https://deathpenaltyinfo.org/state-and-federal-info/state-by-state/florida>
- Florida. Everytown Research & Policy. (2025, January 15).
<https://everytownresearch.org/rankings/state/florida/>
- Frequently Asked Questions Regarding Gaintime*. Florida Department of Corrections. (n.d.).
[https://supremecourt.flcourts.gov/content/download/242696/file/Johnson%2013-711\(1\).pdf](https://supremecourt.flcourts.gov/content/download/242696/file/Johnson%2013-711(1).pdf)
- Good Time*. State of Maine Department of Corrections. (2022, October 7).
<https://legislature.maine.gov/doc/9091>
- Incarceration rates by country 2025*. World Population Review (n.d.).
<https://worldpopulationreview.com/country-rankings/incarceration-rates-by-country>
- Jones, J. L. (n.d.). *Frequently Asked Questions Regarding Gaintime*. Florida Department of Corrections.
[https://supremecourt.flcourts.gov/content/download/242696/file/Johnson%2013-711\(1\).pdf](https://supremecourt.flcourts.gov/content/download/242696/file/Johnson%2013-711(1).pdf)

Justifiable Use of Force, Fla. Stat. § 776.012 (1) (2) 2024

Maine. Death Penalty Information Center. (2014, October 16).

<https://deathpenaltyinfo.org/state-and-federal-info/state-by-state/maine>

Maine's drug laws are overly harsh and out of step with other states. Maine State

Legislature. (n.d.). <https://legislature.maine.gov/doc/3946>

Maine. Everytown Research & Policy. (2024, November 25).

<https://everytownresearch.org/rankings/state/maine/>

Presidential election results 2024 | CNN politics. (n.d.).

<https://edition.cnn.com/election/2024/results/president?election-data-id=2024-PG&election-painting-mode=projection-with-lead&filter-key-races=false&filter-flipped=false&filter-remaining=false>

n-painting-mode=projection-with-lead&filter-key-races=false&filter-flipped=false&filter-remaining=false

emaining=false

17-A M.R.S. § 108(1)-(2), 2024