



Maine County Commissioners Association

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LD 1603, An Act to Implement the Recommendations of the Committee To Ensure Constitutionally Adequate Contact with Counsel

April 19, 2023

Chair Carney, Chair Moonen, and Members of the Joint Standing Committee on Judiciary, my name is Stephen Gorden and in addition to serving as a member of the board of commissioners for Cumberland County, I am writing today in my role as chair of the legislative policy committee of the Maine County Commissioners Association. We appreciate the opportunity to provide testimony to the Committee *neither for nor against* LD 1603, with a suggested amendment.

About MCCA. Briefly, the Maine County Commissioners Association was established in 1890 to assist Maine's county government in providing vital services to Maine citizens in a responsive, efficient, and credible manner. The Association is based in Augusta, represents all 16 of Maine's counties, and is governed by a board with representation from each participating county.

What does LD 1603 do? LD 1603 implements the recommendations of the Committee To Ensure Constitutionally Adequate Contact with Counsel. The bill has many components. Our focus is two of them. First, Section A-8 of LD 1603 adds an attorney who represents defendants in criminal cases to the membership of the Board of Trustees of the Maine Criminal Justice Academy. Currently, the Board is comprised of 18 individuals representing a diverse array of interests, including county sheriffs.

Additionally, Part B-1 of the bill also requires The County Corrections Professional Standards Council to convene meetings of state, county and municipal law enforcement agencies, and other stakeholders to develop a consistent set of policies and procedures to be implemented by all law enforcement agencies, district attorneys' offices, jails, holding facilities, short-term detention areas, and correctional facilities that protect and ensure attorney-client communications are confidential.

Board of Maine Criminal Justice Academy (A-8). MCCA takes no position regarding the underlying purpose of Section A-8 of the bill that would add a criminal defense attorney to the Academy Board. However, we think the Legislature should once again consider whether the board should be further expanded to include a representative of county commissions who is not a law enforcement official.

Notably, on the municipal side, the Board includes a representative of local law enforcement and a representative of municipal government that is not a law enforcement official. On the county side, sheriffs are represented, but county commissioners are not. In 2021, our Association proposed legislation to add a county commissioner representative to the Academy Board given the significant impact of Academy policies on the financial health of county government. The justification is the same as the inclusion of municipal officials on the Academy Board who, like county commissioners, bring important fiscal and governance experience from local government to the Board.

Now that LD 1603 is proposing to expand the size of the Board by one member, it is appropriate to add another member to maintain the current voting balance on the Board. That individual should be a representative of county commissions for the reasons articulated above, namely, to ensure that the perspective of county commissions is reflected in the policies and activities of the Academy.

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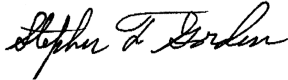
County Corrections Professional Standards Council (B-2). As mentioned, Section B-2 of this bill requires that the County Corrections Professional Standards Council convene a range of stakeholders to develop a consistent set of policies and procedures regarding the confidentiality of attorney-client communications. We take no position on the convening of the Council, and generally support the idea of such a convening.

However, in making this direction to the Council, it is important to understand what the Council is, and what it is not. A year ago, this Committee passed LD 1654 to reform the manner of county jail funding, and as part of that legislation, this Committee and the Legislature created the Council. The Council is made up of 7 members, two of whom are county officials, two represent sheriffs, one represents municipalities, and two represent the Commissioner of Corrections. Notably, the Council is not directly a part of the Department of Corrections, does not have a physical location, and has no budget. The Council does very good work in its fledgling year, but the members are volunteers, take their own meeting minutes, and struggle to take steps as simple as posting meeting notices.

We mention this not to suggest that the Council is not up to the task, but rather to highlight the Council's need for more formal support to facilitate its important role.

Conclusion. We appreciate the opportunity to provide testimony on this bill, and if you have questions or need additional information, please do not hesitate to let us know.

Respectfully submitted,



Stephen Gorden
Chair, Legislative Policy Committee

cc: Commissioner Richard Dutremble, President, MCCA
James I. Cohen, Verrill Dana, LLP, MCCA Legislative Counsel