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May 4, 2023

Senator Anne Carney  
Representative Matt Moonen  
Committee on Judiciary  
100 State House Station, Room 438  
Augusta, ME 04333

RE: LD 1790 – An Act Removing the Statute of Limitations on Criminal and Civil Actions Involving Sexual Abuse of Minors

Dear Senator Carney, Representative Moonen, and Members of the Committee on Judiciary,

MACDL opposes LD 1790's provisions removing the statute of limitations as it relates to every single criminal offense under Chapter 11 or Chapter 12. MACDL takes no position on the removal of the civil statute of limitations.

Statutes of limitations in criminal cases are important for the simple reason that after a certain period of time it is no longer fair or just to a criminal defendant to face charges that happened so long ago that the person cannot defend themselves. While I am confident that the proponents of this bill will talk about the alleged victims and their being able to obtain justice, that can happen in a civil context where money damages are at issue, but when a person is facing a criminal charge and potentially decades of incarceration, it is a different matter. Events that could have occurred 10, 20, or even 50 years ago could still be criminally prosecuted if this bill passes, and a defendant who may not have even been in the same state at the time of the allegations would have a difficult time defending himself or herself because it simply happened so long ago. With the passage of time like this, witnesses may and often are long since gone or have completely forgotten what did or did not happen, and the defendant is left with only his or her adamant denials that nothing ever happened in defense of a case, a truly unfair position when if the case had been brought within the existing statute of limitations a defendant would have the benefit of far more evidence.

This bill as it relates to criminal cases exposes countless numbers of people who allegedly committed crimes many years ago to potential criminal prosecution simply because the alleged victim makes an allegation. That is a terrible position for someone accused of a crime to be in, especially when the tools to defend oneself from these allegations are gone from the passage of time and the result of an alleged victim bringing the allegations forward many years, if not decades, after the event allegedly happened. Indeed, a person could simply wait until witnesses have passed away to bring an allegation forward, thereby depriving a defendant of a defense, and that

would be completely unfair and a gross miscarriage of justice. But it is a miscarriage of justice that can in fact happen and which the current statute of limitations prevents from happening except in the most serious cases.

Thank you for the opportunity to address this issue.

Sincerely,

A handwritten signature in blue ink, appearing to read "Walter F. McKee". The signature is fluid and cursive, with the first name being the most prominent.

Walter F. McKee  
Chair, Legislative Committee