



January 29, 2025

Sen. Margaret Rotundo, Chair
Rep. Drew Gattine, Chair
Joint Standing Committee on Appropriations & Financial Affairs
Maine State Legislature
100 State House Station
Augusta, ME 04333

Re: Supp. Budget, LD 209, Part P - Support for carry forward provision for MCPDS funding

Dear Sen. Rotundo, Rep. Gattine, and Members of the Appropriations and Financial Affairs Committee:

On behalf of the Board of Governors of the Maine State Bar Association, we write in support of the amended language for Part P of the Governor's Supplemental Budget in LD 209 which is needed to support the operations of the Maine Commission on Public Defense Services (MCPDS) for the remainder of the biennium ending June 30, 2025. In supporting this portion of the Supplemental Budget, we understand that MCPDS requires the transfer of unused **Personal Services** funds from the MCPDS budget to be allocated to the **All Other** line category for the current fiscal year in order to fund contractual services for private attorneys. We understand that the Judiciary Committee, in its report back to the AFA Committee, voted unanimously in support of an amended version of Part P which would ensure that the unused funds are available for this fiscal year ending June 30, 2025, in addition to the subsequent fiscal year. We strongly encourage the Committee to adopt the amended language for Part P to ensure sufficient funding for MCPDS so that they can meet the needs of indigent Mainers seeking legal counsel.

About us. The Maine State Bar Association is a statewide trade association chartered in 1891 by the Maine Legislature. The Association currently represents approximately 2,600 attorneys in the State in both public service and private practice. The Association maintains 28 separate sections covering nearly every field of law practiced in Maine, from Administrative Law to Workers' Compensation Law. Access to justice is a key element of our mission, hence our strong and longstanding interest in the MCILS system.

Part P of the Governor's Supplemental Budget. As noted, our Association strongly supports Part P of the Governor's Supplemental Budget, as amended by the Judiciary Committee, which we understand is intended to allow any remaining MCPDS budget balance in the **Personal Services** line category to be carried forward and allocated to the **All Other** line category in order to fund contractual services for private attorneys for the remainder of this fiscal year ending June 30, 2025, or used in the next fiscal year if there are remaining funds. This one-time allocation of funds is needed to ensure that the Commission has enough funds to meet its current year financial obligations to private legal counsel retained by the Commission to meet the needs of indigent Mainers.

Overall, we believe making sufficient funds available this year is critical to ensuring that MCPDS has sufficient funding to pay for the important and constitutionally-required services rendered by court-appointed private attorneys in representation of indigent defendants not otherwise represented by public defenders or private attorneys. Without this funding source for the remainder of the current biennium, the State is at risk of being unable to hire and pay for sufficient private counsel to ensure that indigent Mainers are able to have their cases fairly and timely addressed, possibly in violation of their

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Constitutional rights to counsel. Addressing this issue quickly is also important to avoid exacerbating the backlog of pending criminal cases within Maine's court system. Ensuring faster resolution of these cases also provides an opportunity to reduce the number of individuals being housed in our county jails awaiting trial who have not been able to make bail. This makes good sense from both a fairness perspective and from an overall fiscal perspective.

Looking forward, as the budget is set for the next biennium, the Association urges the Legislature to take appropriate steps to address the significant backlog of unrepresented criminal defendants and ensure adequate Sixth Amendment protections in the State. We look forward to working with the Legislature on the FY26-27 Biennial Budget in this regard.

Conclusion. Thank you for the opportunity to provide comments with regard to this important issue, and we urge the Committee to adopt Part P of the Supplemental Budget, as amended by the Judiciary Committee, to ensure applicability to the current fiscal year.

If you have questions or need any additional information, please do not hesitate to let us know

Sincerely,



Susan Faunce,
President, Board of Governors

cc: Angela Armstrong, Executive Director
Rachel Okun, Chair, MSBA Legislative Committee
James I. Cohen, Verrill Dana, LLP