



## MAINE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

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### 2024-2025 OFFICERS

February 21, 2025

*President*  
Jeremy Pratt

Senator Anne Carney - Chair  
Representative Amy Kuhn - Chair  
Committee on Judiciary  
100 State House Station Room 438  
Augusta, ME 04330

*President-Elect*  
Matthew D. Morgan

*Vice President*  
Sarah E. Branch

*Secretary*  
Luke Rioux

RE: LD 418 -- An Act to Remand Individuals with Pending State Probation Violations to the Department of Corrections Following Initial Proceedings

*Treasurer*  
Justin Andrus

Dear Senator Carney, Representative Kuhn, and Members of the Judiciary Committee:

### 2024-2025 DIRECTORS

MACDL opposes LD 418.

Jesse James Archer  
Randall Bates  
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Daniel Dubé  
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Lisa Whittier

This bill would require individuals who are held without bail, or individuals who cannot make bail, to be remanded to the custody of the Department of Corrections.

Transferring individuals with pending probation violations to the Department of Corrections will result in less communication between attorneys and the incarcerated individuals. This will result in longer delays in resolution of cases. There are less Department of Corrections facilities and they are spread out. For example, the Maine State Prison in Warren has a limited number of days available for visitation and limited visitation hours. This is in contrast to most county jails that allow for visitation 7 days a week and for much of each day. This ability to access inmates at county jails aids in faster resolution of cases.

### EXECUTIVE DIRECTOR

Tina Heather Nadeau

If LD 418 becomes law it will almost certainly add to the number of incarcerated individuals without attorneys.

Sentences of nine months and one day are served in the Department of Corrections while sentences of nine months or less are served at county jails. Some individuals receive sentences, even with probation that never make them eligible for a Department of Corrections' sentence, some individuals receive no incarceration initially, then receive a partial revocation of less than nine months and one day, and some individuals receive revocations of only a few days. This is important to note because the Department of Corrections' incarceration experience is drastically different than a county jail experience. The Department of Corrections is a more restrictive environment, and the Department of Corrections houses far more hardened and dangerous individuals. It houses individuals who are serving life sentences.

LD 418 proposes to take someone who has been convicted of a misdemeanor second offense Operating the Influence charge. For example, take someone with a sentence of 90 days, with all but 7 days suspended, and 1 year of probation, who then has a probation violation and cannot make bail, or who is held without bail. Under LD 418 this person would be housed at the Department of Corrections. This individual who has been convicted of a misdemeanor second offense Operating the Influence and is facing a maximum of 83 days in jail could potentially share a cell with someone serving a life sentence for a double murder. These two people do not deserve the same treatment.

This bill should be voted Ought Not to Pass.

Thank you for the opportunity to address this Committee on this important issue.

Sincerely,

A handwritten signature in black ink, appearing to be 'J. Pratt', written in a cursive style.

Jeremy Pratt, Esq.  
President, MACDL