



MAINE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

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Senator Anne Beebe-Center, Chair
Representative Tavis Hasenfus, Chair
Joint Committee on Criminal Justice and Public Safety
5 State House Station, Room 438
Augusta, ME 04333

RE: LD 930: An Act to Amend the Law Governing Items Identified as Prison Contraband

Dear Senator Beebe-Center, Representative Hasenfus, and Honorable Members of the Judiciary Committee:

The Maine Association of Criminal Defense Lawyers is a non-profit organization that has nearly 300 member attorneys who practice criminal defense across the state. Since 1992, MACDL has advocated for its members and the people we are fortunate to represent in courtrooms throughout Maine and at the State House.

We are here today to testify **against** LD 930.

Maine's Criminal Code continues to grow every year—we are not made safer or more prosperous by the criminalization of additional behaviors. In fact, costs associated with prosecution and incarceration skyrocket when criminalization increases. Given the backlog of thousands of unresolved cases—6,000 at last count—that stubbornly remain open, we simply cannot afford the creation of new crimes, particularly for behavior that has other remedies. Creating this new crime will increase the length of time people remain in jail and will further add to the ongoing backlog of cases—including cases that are much more serious than bringing vapes and phones into a jail or prison.

Jails and prisons have their own administrative disciplinary procedures to handle issues such as the possession of vapes and cell phones. These include the loss of good time, a period of disciplinary segregation, the temporary loss of phone privileges, and more. When someone is charged criminally for that same behavior, it requires that counsel be appointed on that new charge and it creates the very real possibility that a person will be incarcerated even longer than the period for which they are currently incarcerated—all an enormously expensive and inefficient way to handle such behavior.

If criminalizing behavior and imprisoning people made us safer, the United States would be the safest nation on earth. This is simply not true. This bill is unnecessary.

We acknowledge that creating this crime as a misdemeanor (Class D) offense apart from the typical felony (Class C) crime of Trafficking in Prison Contraband is a step towards moderation. However, even a misdemeanor crime is unnecessary to address and remedy the problematic behavior it attempts to criminalize.

On behalf of our clients, thank you for your consideration, for your attention to this important matter, and for allowing me to present testimony to you all today.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tina Heather Nadeau". The signature is fluid and cursive, with a large loop at the end.

Tina Heather Nadeau, Esq.
MACDL Executive Director