



MAINE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

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March 31, 2025

Senator Anne Beebe-Center - Chair
Representative Tavis Hasenfus - Chair
Committee on Criminal Justice and Public Safety
100 State House Station Room 436
Augusta, ME 04330

RE: LD 822 -- An Act to End the Collection of Certain Probation Fees

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

MACDL supports LD 822.

The vast majority of criminal defendants are indigent. To be considered indigent as a single person with no dependents your gross annual income must be less than \$14,949. This is according to the Maine Commission on Indigent Legal Services' Guidelines for Determination of Financial Eligibility for Assigned Counsel and Reimbursement for assigned counsel.¹

Currently, an individual placed on probation must pay a probation supervision fee of not less than \$10 and not more than \$50 per month.

Presumably, individuals are placed on probation by a court because the court has determined that the individual is worthy of an opportunity to improve their lives while in the community instead of being incarcerated.

Many individuals placed on probation are barely making ends meet. Every individual who is convicted of a crime will have to pay surcharges and fees even if there is not a fine associated with a case. For every misdemeanor conviction an individual must pay a \$40 victim compensation program fee and \$70 for every felony conviction regardless of whether or not there was a victim.

By way of an illustrative example, an individual who is convicted of a misdemeanor that carries a \$400 mandatory minimum fine, the total amount due comes to \$590. There is a government

operation surcharge, there is the victim compensation fund fee, there is a county jail surcharge, a general fund additional surcharge, a Maine Criminal Justice Academy surcharge, a MSP Computer Crimes surcharge, a Court Management System Fee, and a victim's property compensation fund fee.

There are also hidden costs when placed on probation. For example, many indigent defendants do not have cars or driver's licenses but live in rural areas with no public transportation but they are still required to report to probation in person. This means they often have to scrape together money to pay for taxis or pay for gas to a willing friend, neighbor, or family member who might be willing to drive them. And if they do not report to probation in person when ordered to do so they risk being sent back to jail or prison for failing to report.

Presumably, society wants people on probation to succeed. It is very difficult for many of them due to mental health issues, drug addiction, or limited cognitive abilities. We need to limit obstacles to success. The probation supervision fee may seem insignificant but it is not insignificant when making less than \$14,949 and coupled with all of the actual and hidden costs described above.

Individuals who have been placed on probation have paid their debt to society. The \$10-\$50 per month probation supervision fee is a lot of money for many individuals but it is not a lot for our State as a whole to absorb if it means more people will successfully complete probation and not return to our criminal justice system.

Give people on probation the best change of success.

This bill should be voted Ought to Pass.

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

Sincerely,

/s/

Jeremy Pratt, Esq.
President, MACDL