



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
5 State House Station, Room 436
Augusta, ME 04333

RE: LD 1074: An Act to Remove the Limit on the Length of Probation That May Be Served for Aggravated Attempted Murder

Dear Senator Beebe-Center, Representative Hasenfus, and Members of the Committee on Criminal Justice and Public Safety:

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.

MACDL presents this testimony in **opposition** to LD 1074.

This bill proposes keeping a person on conditions of probation for the rest of their lives if they are convicted of Aggravated Attempted Murder and receive a “split” sentence. Aggravated Attempted Murder is the only crime in Maine, apart from Murder, for which an official “life” sentence can be imposed.

The crime of [Aggravated Attempted Murder](#) was created relatively recently, in 2001, to differentiate it from regular Attempted Murder. The aggravating circumstances include “premeditation in fact”, attempting to cause multiple deaths, using torture, sexual assault, or other extreme cruelty, committing the offense in a jail or prison, committing the offense against a law enforcement officer, or committing the offense against a hostage. It is, by its very definition, an extremely serious crime.

It is also, thankfully, an extremely rare crime here in Maine. Few people are charged with this crime annually. Even fewer are actually convicted of this particular crime. These very few, a small handful of folks, are serving sentences for this crime—those that are serving such sentences have received many many many years of prison time. At least two young men are serving life sentences for their convictions for Aggravated Attempted Murder—thus making them ineligible for probation. This bill would make Aggravated Attempted Murder even more anomalous in Maine’s sentencing provisions—allowing “any term of years” for the probationary term to be imposed against someone convicted of this rare crime.

We are always wary of bills that change a significant part of Maine’s Criminal Code in a way that will make a rule for so very few. Probation in and of itself is part of a sentence that serves both punitive and rehabilitative functions. Probation, like any portion of a sentence however,

should not be imposed longer than necessary to ensure that a probationer has and will lead a law-abiding life.

This Legislature would do well to consider seriously a bill that reintroduces parole to Maine's criminal system. Such a system would allow extended supervision of people convicted of even the most serious crimes, rather than to distort the statute on probation for this singular crime. Supervision can be an important piece towards ensuring the successful reintegration of a prisoner into society. It should not be, however, so onerous as to keep people on conditions indefinitely—including well into their older years.

The four-year maximum term of probation for a Class A felony is appropriate for those convicted of Aggravated Attempted Murder—should they receive a split sentence at all. Four years is more than enough time to ensure that a person can stay on the “straight-and-narrow” and reintegrate to be a productive, healthier member of society.

Similar to bills that want to ratchet up crimes to felonies and punishment to decades in prison, what data or push by prosecutors or judges (based on reality) is behind this effort? Are judges feeling overly constrained by the four-year probationary term limit currently in place? Or is this merely speculative and anticipatorily punitive, for some imagined future offender? This law is not necessary, and you should not vote to pass it.

Thank you for your consideration, for your attention to this important matter, and for allowing me to present this testimony to you all today.

Sincerely,

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

Tina H. Nadeau, Esq.
MACDL Executive Director