



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 330: A Resolve to Create an Advisory Council to Oversee the Review and Technical Revision of the Maine Criminal Code and Other Statutes Establishing Criminal Offenses.

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

MACDL **supports** LD 330.

Maine's Criminal Code underwent its last comprehensive revision in 1976. As this Committee is aware, the Criminal Code changes every session in response to present day priorities of criminal justice in Maine. As a result, the Criminal Code is made up of countless revisions and additions. These revision and addition are not always written in harmony with prior parts of the code. These revisions and additions likewise can become unnecessary vestiges.

LD 330 establishes an Advisory Council to oversee a technical review and revision of Maine's Criminal Code. This review and revision is necessary given the passage of time since any prior significant review.

Notwithstanding its support, MACDL does recommend that the Advisory Council be better balanced by including an additional defense attorney or removing one prosecutor. LD 330 proposes that the Advisory Counsel be made up of a prosecutor, a defense attorney, a legal educator with expertise in criminal law, an active retired judge, and a designee of the Attorney General. The Attorney General will undoubtedly send an employee with criminal experience such as a current or former criminal prosecutor. As a result, the Advisory Council will be imbalanced with unnecessary emphasis on prosecution. MACDL recommends an additional member of the defense bar be appointed or one of the two prosecutor positions be removed. MACDL further seeks its input in addition to the Maine Commission on Public Defense Services. MACDL has testified before this Committee and sent participants to legislative

committees and work-study groups for decades and has valuable institutional knowledge that should be included.

For these reasons, MACDL supports LD 330 with the amendments recommended herein.

Sincerely,

/s/ Matthew D. Morgan

Matthew D. Morgan, Esq.

MACDL President Elect