



# MAINE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

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April 5, 2025

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

### **RE: LD 421 – An Act to Eliminate Barriers to Reentry into the Community After Incarceration by Repealing Certain Driver’s License Suspension Provisions.**

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

MACDL supports LD 421.

This bill promotes the successful reintegration and rehabilitation of people who have been found to have committed criminal offenses, reducing the likelihood of reoffending and supporting families and communities. MACDL supports, and encourages the Committee to support, amendments like those contained in LD 421 that are likely to improve outcomes and are unlikely to result in additional harm or danger to public safety.

Statutory amendments like those proposed in LD 421 are particularly important during this era in which all stakeholders in the criminal justice system seek opportunities to eliminate unnecessary barriers to the effective resolution of criminal charges through the best use of judicial, prosecutorial, and defense resources. In addition to promoting reintegration for affected individuals, LD 421 would serve to eliminate a category of driving charges that currently require the deployment of defense counsel and the consumption of both judicial branch and prosecutorial time. MACDL urges the Committee to take the opportunity to promote the availability of those resources to matters involving primary criminal offenses through LD 421, especially where doing so promotes that availability without increased cost.

LD 421 would repeal substantially similar language across eight criminal statutes. That language permits a Court to impose a suspension of up to five years if a person is convicted of a drug-related offense unrelated to any allegation of impaired, dangerous, or otherwise improper driving. The mere fact that a person transported a drug in a car, for example, can result in the suspension of a driver’s license.

Each relevant statute states that a suspension may not begin until after any period of incarceration is served. This means that after a person is convicted, and after that person has been sanctioned through the imposition of a period in jail or prison, the person is released unable to provide their own transportation to secure employment, education, or training; unable to transport themselves to otherwise comply with probation conditions; and, unable to provide transportation to children and other family members.

It then becomes the responsibility of the person to prove to the Secretary of State, through the Bureau of Motor Vehicles, that the period of suspension has been served as ordered by the Court.

Maine does not have an effective public transportation system in most of the State. In most places private tax service is wholly unavailable, and inconsistent when sometimes available. Publicly supported private transportation is overburdened and difficult to schedule. All of this means that it is functionally impossible for most people to meet most of their transportation needs without the ability to provide themselves with transportation.

Operating a motor vehicle during a period of license suspension is typically a misdemeanor offense, which means that most periods of incarceration for operating during a suspension are served in jail, rather than the custody of Department of Corrections. Even with only a small fraction of sentences served in the custody of the DOC, however, between August 2017 and March 2025 254 people served prison sentences for charges that involved operating while unlicensed and did not include a substantive violation.

Each of those 254 people, and each of the people exposed to jail rather than prison, and thus not included among DOC data, were charged and convicted for the mere act of driving, in a State in which not driving is generally not an option if a person is to participate in life outside the home. Each person who was exposed to either jail or prison required counsel. Each case consumed prosecutorial resources. Each consumed judicial resources.

The people impacted by LD 421 are people who have been convicted of a crime. The Court would not be suspending a license under any of the eight relevant underlying statutes if the Court was not already imposing a sentence after a conviction. The license suspensions, however, apply only after a person has fully completed a sentence of incarceration. The suspensions are unrelated to driving-specific offenses. LD 421 does not seek to amend the suspension provisions related to committing a driving infraction. Absent specific proof of driving misconduct, these suspensions do not serve to promote public safety. Instead, these suspensions serve only to impair the ability of a person released from jail or prison to reintegrate and become a lawful and productive member of the public.

When those people who determine that they must drive to work, or learn, or transport their children – and even when they commit no other offense – these same people again risk removal from society, the loss of jobs or educational opportunities, and imperil their families. And, when that happens, the Courts must address an additional and otherwise unnecessary case, and defense counsel must be identified and assigned.

Maine deserves to be safe. When a person is found to have committed a crime, it is appropriate that a sanction be imposed. The sub-sections LD 421 seeks to repeal do not contribute to the safety of Mainers, however. Instead, they impose unnecessary barriers to safety and productivity, and to the integrity of family units. For these reasons, MACDL asks that you vote “ought to pass” on LD 421.

Sincerely,

*/s/ Justin W. Andrus*

Justin W. Andrus, Esq., for  
MACDL