



MAINE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

P.O. Box 17642
Portland, ME 04112-8642
(207) 523-9869
mainemacdl@gmail.com

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April 14, 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 1146 “An Act Regarding the Required State of Mind Relating to Robbery.”

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

MACDL supports LD 1146.

LD 1146 adds an “intentionally or knowingly” state of mind requirement to Maine’s Robbery statute based on the US Supreme Court’s recent decision in *Counterman v. Colorado*, 600 U.S. 66, 143 S. Ct. 2106, 2109, 216 L. Ed. 2d 775 (2023). *Counterman* concerns the nexus between criminal conduct and free speech when crimes punish threatening behavior. *Counterman* requires that criminal laws which may punish threatening speech are limited to “true threats” where the accused had some subjective understanding that his or her statements were threatening. The Legislature passed LD 2085 “An Act to Update Maine’s Domestic Violence and Stalking Laws” on an emergency basis last session to address this issue in Terrorizing and Stalking laws, the primary focus of *Counterman*.

LD 1146 extends this reasoning to Robbery, which is also a crime based on threatening conduct by inserting “intentionally or knowingly” before the threatening part of the statute to clarify that it applies to the act of threatening in addition to the act of placing a person in fear of imminent use of force. This amendment adds clarity and assures compliance with US Supreme Court case law.

For all these reasons MACDL supports LD 1146.

Sincerely,

/s/ Matthew D. Morgan
Matthew D. Morgan, Esq.
MACDL President Elect