



MAINE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

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April 23, 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 1536: An Act to Amend the Laws Governing Bail

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 1536.

This bill seeks to undo all the positive work that has been done in amending the bail code to help ensure that the presumption of innocence and release is maintained for the criminally accused. [The 130th Legislature in 2021 just recently addressed these issues and passed thoughtful legislation that addressed the harm created by the old laws.](#)

These improvements were arrived at carefully, and they have not created problems in administering justice and ensuring public safety. Why would we undo that work now?

There is no data or corroboration to suggest that this 2021 change in Legislation has impacted public safety negatively or made it impossible for prosecutors to request and judges to impose reasonable bail conditions—particularly in the lowest-level misdemeanors. I don't think this Committee will hear from any prosecutors or judges that they need the old laws reinstated to do their jobs effectively. This proposal is reactionary and wholly unnecessary.

The current proposal would again disproportionately impact poor people—keeping them incarcerated for low level offenses simply because they cannot afford to bail themselves out. It would force them to give up all Fourth Amendment protections against unreasonable searches and seizures while on conditions of release. The impacts of the 2021 legislation did not affect the ability of judicial officers and bail commissioners to set cash bail for Class E misdemeanors that involved abuse or assaultive behavior—especially in cases involving domestic violence. This 2021 amendment applied to the lowest level, non-violent offenses, including drinking in public, criminal trespass, and minor theft.

As the [ACLU of Maine wrote in 2021](#),

Studies have found that defendants who can't afford bail are [more likely](#) to be sentenced to longer jail or prison time. They are also [more likely](#) to take plea deals and plead guilty to crimes they did not commit. The practice of unaffordable cash bail disproportionately affects people experiencing homelessness, people of color and low-income people. . . . The [majority](#) of people (60 – 80 percent) in Maine jails are there awaiting trial, and the [majority](#) of arrests every year are for misdemeanors. A 2015 [survey](#) of five jails by the Maine Judicial Branch found the average cash bail for Class E offenses was \$722 and the average length of pretrial detention for Class E offenses was about a month.

Too many bills each session simply try to undo the hard work of the previous Legislature—the 131st Legislature fought back an identical effort to reverse all bail reform with [LD 1299 in 2023](#).

These fights are repetitive and disheartening—and a waste of time and resources that could be better spent presenting and debating legislation that would actually help people—not further harm them.

Unraveling all the good progress done so recently, for such important reasons, would set a dangerous precedent, and this Committee should push back on such efforts and vote **ought not to pass** on LD 1536.

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,



Tina H. Nadeau, Esq.
MACDL Executive Director