



MAINE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

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May 2, 2025

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Senator Anne Carney, Chair
Representative Amy Kuhn, Chair
Joint Committee on Judiciary
5 State House Station, Room 438
Augusta, ME 04333

RE: LD 1801: An Act to Make Technical Changes to the Laws Governing the Maine Commission on Public Defense Services

Dear Senator Carney, Representative Kuhn, and Honorable Members of the Judiciary Committee:

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 support of** LD 1801.

Section 2 of the bill would authorize, pursuant to statute, payment to attorneys who perform services “at the direction of the commission that aid the commission in fulfilling the commission’s purpose,” which is to “provide high-quality, effective and efficient representation and promote due process for persons who receive indigent legal services.”

This would include “resource counsel,” who work as mentors with newer attorneys and more experienced attorneys alike in tackling novel legal issues and situations, and those attorneys whom the Commission calls upon to provide timely and insightful training to its rostered attorneys throughout the year. It is important that this quality work done by highly skilled attorneys be included within the definition of “indigent legal services” as this work leads to the improved provision of such legal services to the clients the Commission serves.

Section 5 also relates to the trainings put on by the Commission for its rostered attorneys. It is important that the training materials, recordings, and other documents generated by presenters at these educational programs remains protected from forced disclosure or dissemination apart from sharing the materials with participants—counsel who are appointed to represent indigent people. There has been a lack of clarity on this issue and more than a few attorneys have expressed hesitance about presenting at Commission trainings or providing materials to the Commission, believing that these would not be protected from public disclosure.

We do not want presenters who feel they have to “hold back” when educating attorneys on certain subjects—we also want them able to share freely with these attorneys sensitive documents, including work product developed in the course of their own practice. This proposal would protect such material from unnecessary and potentially harmful dissemination.

For these reasons, we ask that this Committee vote **ought to pass** on LD 1801.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Tina Heather Nadeau", with a stylized flourish at the end.

Tina Heather Nadeau, Esq.
MACDL Executive Director