



MAINE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

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May 12, 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 428: An Act to Require Electronic Notice of Mental Examination Records

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 **support** of LD 428.

This bill presents a simple solution to a simple—but frustrating—problem: without a court order allowing State Forensic Services to provide to the court an electronic copy of any mental examination report generated by its evaluators, SFS must mail in a copy of the report, which must, in turn, be mailed to counsel or picked up at the clerk's office. This creates undue delays and simply allowing electronic transmission of these reports would cut that time down to nothing.

Currently, once a report is generated by an SFS evaluator and reviewed by the SFS, SFS then mails the report to the judge or justice who ordered the evaluation by United States Postal Service regular mail. All of us are too familiar with the issues and delays with the USPS over the past several years—these reports must be provided as quickly as possible, as they often involve clients with significant mental illness who are either incarcerated or committed. Time is of the essence, and a week-long (or more) delay from putting a report in a mailbox to it being received at the clerk's office to it being mailed again to counsel is just too much.

This bill would allow SFS to email its reports to the court and, in turn, allow the court to email the reports to counsel directly. It would also still require the mailing of a physical copy of the report to the court, but the affirmative mandate to email the report to the court is necessary in light of the problems that have cropped up in recent years that do not appear to be resolving anytime soon.

We urge this Committee to vote **ought to pass** on LD 428.

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,

A handwritten signature in blue ink, appearing to read "Tina H. Nadeau". The signature is fluid and cursive, with a large loop at the end.

Tina H. Nadeau, Esq.
MACDL Executive Director