



February 4, 2026

Sen. Denise Tepler, Chair
Rep. Victoria Doudera, Chair
Joint Standing Committee on Environment
And Natural Resources
Maine State Legislature
100 State House Station
Augusta, ME 04333

Re: *LD 2141, An Act to Direct a Portion of Unclaimed Beverage Container Deposits to the Lake Water Quality Restoration and Protection Fund, the Maine Working Farmland Access and Protection Program and Public Defender Office Staffing (As Amended by the Sponsors Amendment)*

Dear Sen. Tepler, Rep. Doudera, and Members of the Environment and Natural Resources Committee:

On behalf of the Board of Governors of the Maine State Bar Association, we write to provide comments neither for nor against LD 2141. While MSBA takes no position on the appropriate allocation of unclaimed beverage container deposits, we appreciate the Legislature's continued focus on identifying creative funding solutions to address persistent and well-documented challenges within Maine's criminal justice system, including the need for additional resources for indigent legal defense.

As originally introduced, LD 2141 included a proposed \$2 million annual allocation to the Maine Commission on Public Defense Services to support public defender office staffing, a provision that has since been removed by sponsor's amendment. Our comments focus on this particular issue within the original bill.

About MSBA. The Maine State Bar Association is a statewide trade association chartered in 1891 by the Maine Legislature. The Association currently represents approximately 2,500 attorneys in the State in both public service and private practice. The Association maintains 29 separate sections covering nearly every field of law practiced in Maine, from Administrative Law to Workers' Compensation Law.

What does LD 2141 do? As originally introduced, LD 2141 would have directed a portion of unclaimed beverage container deposits to several specified purposes, including lake water quality restoration, farmland access and protection, and staffing for Public Defender offices under the Maine Commission on Public Defense Services. As amended, the bill would direct unclaimed beverage container deposits to lake water quality restoration and farmland access and protection, and no longer includes an allocation for public defender office staffing.

Discussion. MSBA appreciates the Legislature's willingness, reflected in the original version of LD 2141, to consider nontraditional and creative funding mechanisms to support indigent legal defense. The shortage of qualified defense counsel and the strain on the indigent defense system remain serious and ongoing issues that affect the functioning of Maine's courts and the administration of justice statewide. Additional funding for Public Defender offices is a critical component of addressing case backlogs, attorney workload pressures, and access-to-counsel challenges faced by indigent Mainers. The Maine

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Legislature has recently stepped forward with additional funding to help with the current indigent legal defense crisis in Maine, but much more remains to be done to ensure there are a sufficient number of qualified attorneys to provide this critical and constitutionally mandated service.

At the same time, MSBA does not take a position on whether unclaimed beverage container deposits are the appropriate funding source for these purposes, nor on how these particular funds should be allocated among competing public priorities. Our focus is instead on the underlying need. Even with recent investments, Maine's public defense system continues to face significant structural challenges, including recruitment and retention difficulties, staffing shortages, and increasing caseload complexity. While the funding contemplated in the bill as originally introduced would have been helpful, MSBA notes that an allocation of \$2 million would have addressed only a portion of the revenues still needed to respond to these long-standing challenges.

MSBA supports increased and sustained funding for the Maine Commission on Public Defense Services as part of a broader, comprehensive strategy to ensure a well-functioning criminal justice system, which system includes a sufficiently-funded Judicial Branch and a sufficiently-funded prosecutorial system. Adequate public defense resources are essential not only to meet constitutional obligations, but also to promote efficiency, fairness, and public confidence in the courts. We therefore appreciate the Legislature's continued attention to this issue and its willingness to explore a range of funding approaches.

MSBA understands that the sponsor's amendment removes the proposed allocation to the Maine Commission on Public Defense Services and appreciates the opportunity to highlight the ongoing funding needs that provision was intended to address.

Conclusion. For these reasons, the Maine State Bar Association takes no position on LD 2141. We are grateful for the Committee's consideration of the ongoing needs of Maine's indigent legal defense system and appreciate the opportunity to provide these comments. If you have questions or would like additional information, please do not hesitate to let us know.

Sincerely,



Rachel D. Okun

President, Board of Governors

cc: Angela Armstrong, Executive Director
 Kristine Hanly, Chair, MSBA Legislative Committee
 James I. Cohen, Verrill Dana, LLP, Legislative counsel for MSBA