



# MAINE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

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

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February 27, 2026

Senator Margaret Rotundo, Chair  
Representative Drew Gattine, Chair  
Committee on Appropriations and Financial Affairs  
5 State House Station, Room 228  
Augusta, ME 04333

### **RE: LD 2212 Sections T-18 and T-19: An Act Making Unified Supplemental Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2026 and June 30, 2027.**

Dear Senator Rotundo, Representative Gattine, and Honorable Members of the Committee on Appropriations and Financial Affairs:

MACDL **supports** LD 2212 Sections T-18 and T-19 and states as follows.

The Maine Civil Liberties Union (MCLU) filed suit in *Robbins v. State of Maine* on March 1, 2022. At that time the Maine Commission on Indigent Legal Services (MCILS) was the agency providing indigent criminal legal services in Maine. It was doing its best but had failed to implement several longstanding requirements around the supervision and training of appointed attorneys. The courts were—and in many places still are—struggling under a massive backlog of criminal cases arising from the COVID-19 pandemic. The number of appointed attorneys taking cases was going down while the number of pending cases was going up because the \$80 hourly rate paid to appointed attorneys at that time was woefully inadequate.

Progress since March of 2022 has been profound. Training and oversight standards have gone into place. Backlogs have been reduced and, most importantly, the number of people in jails without attorneys has been reduced. The funding of an adequate hourly rate of \$150 for appointed attorneys is without question the primary reason for this progress.

The Maine Commission on Public Defense Services (MCPDS), the attorneys it employs, and the attorneys it contracts cannot afford to lose this progress. The State of Maine cannot afford to lose this progress. The current \$12M budget shortfall is a truly existential threat to this progress.

Sections T-18 and T-19 of LD 2212 authorize the State Controller to transfer \$12,322,443 in FY 2026 and \$13,026,035 in FY 2027 to MCPDS. It is no exaggeration to say that MCPDS and the progress made in the last few years cannot survive without this funding. A failure to fully fund

MCPDS will mean attorneys representing accused Mainers across the State will be asked to work without pay. Contracted attorneys, who care about their clients and doing the right thing, *may* keep working on the cases they have now. Contracted attorneys will *not* take on new cases with a guarantee of no payment. This will result in a drastic increase in the backlog of cases and overwhelm unpaid employees of MCPDS. MCPDS employees are not going to work for free either.

Prior lapses in funding for court-appointed public defenders resulted in talented criminal defense attorneys turning to civil work or abandoning the unreliable payment source of indigent defense for private pay cases only. Maine already has too few attorneys for the legal needs of the State. Another lapse in funding will not only hurt those attorneys who need to pay bills and feed their families, but will also hurt the Maine criminal justice system writ large for years to come.

For all these reasons, MACDL urges this committee to vote LD 2212 Sections T-18 and T-19 ought to pass.

Sincerely,

/s/ Matthew D. Morgan

Matthew D. Morgan, Esq.

MACDL President