

STATE OF MAINE

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DISTRICT III

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DISTRICT IV



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DISTRICT VI

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DISTRICT VII

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DISTRICT VIII

MAINE PROSECUTORS ASSOCIATION SHIRA BURNS, EXECUTIVE DIRECTOR

LD 258

“An Act to Make Unified Appropriations and Allocations from the General Fund and Other Funds for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 20, 2023, June 20, 2024 and June 30, 2025 ”

Before the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Judiciary

Public Hearing Date: February 27, 2023

Good Afternoon Senator Rotundo, Representative Sachs and members of the Joint Standing Committee on Appropriations and Financial Affairs, Senator Carney, Representative Moonen and members of the Joint Standing Committee on Judiciary. My name is Shira Burns and I represent the Maine Prosecutors Association. I am here to testify in support of LD 258 in regard to continued funding for assistant district attorneys and our counterparts in the criminal justice system.

When the Maine Prosecutors Association testified last in front of both your committees in support of the supplemental budget, the testimony focused on the need for criminal defense attorneys and how the lack of them affects all three pillars of the criminal justice system; prosecution, defense and the judiciary. We continue our support for a fully funded defense bar, including the expansion of a public defender's office.

The criminal backlog has crippled our criminal justice system. The latest statistics we received from the judicial branch shows an 86.9% increase in felony cases, a 66.3% increase in misdemeanor cases, but a decrease of 27.8% in civil violations. In total, cases have gone up by 67.7% since 2019. Prosecutors across the State have done the upfront work of going through the backlog and seeing what cases can be easily resolved or disposed of. Cumberland County dismissed around 1000 cases. These were misdemeanor cases that did not impact public safety, but were done because of the crisis we are in. The 86.9% increase in felony cases shows us that the cases in our system are the sexual assault cases, the domestic violence strangulation cases, burglaries, robberies. Cases that aren't easily resolvable, cases that absolutely affect public safety and victim safety. These are cases we cannot just dismiss.

The Maine Prosecutors Association is taking a multifaceted approach to combat the increased number of cases including 1) working with legislators to sponsor bills to reclassify existing criminal offenses to civil violations, specifically motor vehicle and inland fishery and wildlife crimes while also testifying in opposition to new criminal offenses being proposed that do not affect public safety or victim safety, 2) suggesting more efficient court processes through the Judicial Branch's court rules

and legislation, and 3) advocating for resources for all parties in the criminal justice system. If one doesn't work, we all don't work.

Title 30-A, section 271, subsection 5 states "[e]ach district attorney shall be allowed sufficient sums to ensure an adequate staff of assistant [district attorneys] to screen, process and investigate complaints, to assist law enforcement agencies, to conduct trials in the District and Superiors Courts, to prosecute appeals in the Supreme Judicial Court and to carry out all other duties and responsibilities." Continued funding aligns with this statutory obligation and allows prosecutors to adhere to their high ethical duties.

Thank you for your time and I would be happy to try and answer any questions you might have.