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MAINE PROSECUTORS ASSOCIATION  
SHIRA BURNS, EXECUTIVE DIRECTOR

“An Act to Reclassify Certain Offenses Under the Motor Vehicle Laws and  
Increase the Efficiency of the Criminal Justice System”  
Before the Joint Standing Committee on Criminal Justice and Public Safety  
Public Hearing Date: March 6, 2023  
Testimony in Support of LD 429

Senator Beebe-Center, Representative Salisbury and members of the Committee on Criminal Justice and Public Safety. My name is Shira Burns and I represent the Maine Prosecutors Association. I am here to testify in support of LD 429.

Maine Prosecutors Association's priority this session has been threefold to address the caseload in the criminal justice system 1) reclassify criminal offenses to civil violations and oppose the establishment of new criminal offenses that do not affect public safety or victim safety, 2) procuring more resources for all parties in the criminal justice system and 3) advocating and suggesting ways within our existing system to be more efficient, victim centered, while adhering to all of a defendant's constitutional rights. That is the only way we are going to be able to move forward.

LD 429 was a collaborative effort by many law enforcement officials to decide what crimes can be reclassified to a civil violation without affecting public safety. As many know, this was proposed in the 130<sup>th</sup> legislation. The bill that sits in front of you today, with some adjustments, was the majority report that passed out of the Committee on Criminal Justice and Public Safety and also passed in the House of Representatives. We are here again this year and are confident this can become law because of the universal backing from everyone in criminal justice and public safety.

I wanted to address the crime of Operating after Suspension (OAS) and how this bill affects that crime. Currently, OAS is a traffic infraction if you are suspended for failure to pay a fine (and you don't have a previous OAS), failure to pay a license reinstatement fee, or suspension for a dishonored check. This bill expands the reasons why OAS would still be a traffic infraction including, but not limited to, failure to appear in court, failure to pay child support and failure to pay fines with a prior OAS. None of these reasons makes a person a dangerous driver, they are financial in nature. The things that do make a person a dangerous driver, and a risk to public safety, are things like Operating under the Influence, Driving to Endanger, committing a crime with a motor vehicle, which all are criminal offenses and any OAS convictions and/or adjudications that stem from that suspension counts towards habitual offender status. Public safety is not compromised by enacting LD 429, if anything, public safety can be better addressed by using our limited resources to prioritize crimes where victim safety and/or public safety are at stake.

For these reasons, the Maine Prosecutors Association supports LD 429 and thanks Representative Pluecker for his leadership in moving the criminal justice system forward.