

STATE OF MAINE

KATHRYN SLATTERY
DISTRICT I

JACQUELINE SARTORIS
DISTRICT II

NEIL MCLEAN
DISTRICT III

MAEGHAN MALONEY
DISTRICT IV



R. CHRISTOPHER ALMY
DISTRICT V

NATASHA IRVING
DISTRICT VI

ROBERT GRANGER
DISTRICT VII

TODD R. COLLINS
DISTRICT VIII

AARON FREY
OFFICE OF THE ATTORNEY GENERAL

MAINE PROSECUTORS ASSOCIATION AND OFFICE OF THE ATTORNEY GENERAL

An Act to Facilitate Communication Between Pro Se Defendants and Assistant District Attorneys
Before the Joint Standing Committee on Judiciary
Public Hearing Date: March 8, 2023
Testimony in Support of LD 576

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 and Office of the Attorney General to testify in support of LD 576.

The Maine Prosecutors Association's priority this session has been threefold to address the criminal caseload; 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 our criminal justice system forward.

This bill falls within the third prong of advocating for more efficiency in our existing criminal justice system while adhering to all of a defendant's constitutional rights. Different parties in the criminal justice system, that are on the ground doing the work, agree that 15 M.R.S. § 815 is contributing to the criminal backlog. The previous process that was in place, which included a colloquy with a judge that the defendant was advised of his or her rights, had an opportunity to speak to an attorney if they wanted, and was ready to make plea of guilty or not guilty.

The current law actually takes away opportunities from defendants to resolve their cases in a manner satisfactory to them. When a summons is issued for a misdemeanor crime, a defendant has to wait 90 days, but usually more, until their arraignment date. Many of these people are entering the criminal justice system for the first time ever. If the person does not have the ability to hire an attorney, the law as enacted, has taken away every single ability for that person to resolve their case before arraignment. Prosecutors across the State routinely turn away calls, emails, and in person contact with defendants who are looking to speak to a prosecutor to resolve their case before arraignment.

The current law passed with good intention based on the 6th Amendment report. However, the collateral consequences have outweighed the possible good from the prohibition of early contact with a prosecutor. The Judicial Branch oversees the procedure of the court and the Maine Prosecutors Association has full faith in our system partner that they will set a procedure that adheres to all of a defendant's constitutional right before taking any plea.

For these reasons, the Maine Prosecutors Association and Office of the Attorney General is in support of LD 576.