

STATE OF MAINE

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MAINE PROSECUTORS ASSOCIATION
SHIRA BURNS, EXECUTIVE DIRECTOR

“Resolve, to Review Traffic Fatalities Occurring While an Operator was Under the Influence and Subsequent Prosecution with Respect to Those Occurrences”
Before the Joint Standing Committee on Criminal Justice and Public Safety
Public Hearing Date: January 17, 2024
Testimony in Support of LD 2041

Senator Beebe-Center, Representative Salisbury and members of the Joint Standing 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 2041.

The Maine Prosecutors Association encourages any kind of review of Operating Under the Influence (OUI) fatalities, especially in the context of a multi-disciplinary team looking at all aspects of a criminal case. This happens in all of our domestic violence homicides through the Domestic Violence Homicide Review Panel. We can learn common trends that may help with prevention and successful investigation and prosecution of this crime. The MPA supports going a step further and expanding this commission to review OUIs causing serious bodily injury.

Prosecutorial District III, consisting of Androscoggin, Franklin, and Oxford Counties, began a pilot program to set up Fatal Accident Teams. Last year, a framework was drafted and they are meeting to discuss the setup of a review panel. Prosecutorial District VI, consisting of Sagadahoc, Lincoln, Knox, and Waldo counties, is now working with Prosecutorial District III to follow suit with Fatal Accident Teams. These teams are looking at investigations, training, resources and everything that can contribute to fatal accidents and their investigation and prosecutions.

In regard to specifics of this Resolve, I wanted to note that the Office of the Attorney General does not prosecute any OUI cases, even when there has been a fatality. This crime is within each district attorney's purview. This Resolve also discusses the commission creating a set of best practices to be used as a guide in the enforcement of and prosecution involving the laws governing OUI offenses. Currently, the MPA does not have the personnel resources to author these guides. This would be a very time intensive task.

For these reasons, the Maine Prosecutors Association is in support of the idea of LD 2041.