



MAINE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

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March 2, 2024

Senator Anne Carney, Chair
Representative Matthew Moonen, Chair
Joint Standing Committee on Judiciary
100 State House Station Room 436
Augusta, ME 04330

RE: LD 2240 -- An Act to Implement Protections Against Deed Fraud

Dear Senator Carney, Representative Moonen, and Members of the Joint Standing Committee on Judiciary:

MACDL opposes LD 2240.

First things first, there is little question that everyone agrees that deed fraud is a crime that should be addressed and addressed seriously. Those who file deeds that contain blatantly false information, especially when it is done with an eye to defrauding a buyer or seller, must face consequences.

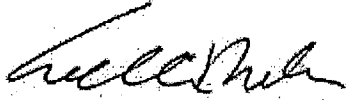
But it is important to note that “deed fraud” is actually already fully and completely illegal in Maine. Under 17-A M.R.S. sec. 706-A a person who falsely files a deed with the registry with intent to defraud is guilty of a Class D crime and subject to a jail sentence of up to 364 days. Additionally, Maine’s Theft by Deception statute, 17-A M.R.S. 354 makes clear that if a person fraudulently obtains property (which includes real estate) then they can be convicted of up to a Class B felony that carries with it up to 10 years in prison. That level of felony crime is for property with a value of over \$10,000, a very low bar when it comes to real estate. For lesser thefts of between \$1,000 and \$10,000 the crime a Class C felony, which allow for a prison sentence of up to 5 years. Suffice to say that there is not only ample law here that covers the crime, but the consequences are already very serious.

So while this bill is laudable in its intentions, it just does not advance the fight against those who engage in illegal activity in the filing of false deeds. This action is already patently illegal. The general nature of the Theft statute is designed to capture all theft crimes so that there need not be a theft crime for specific items or actions. Without the already existing statute the Legislature would have to make individual crimes for car theft, money theft, phone theft, or candy bar theft. That is unnecessary, just like this bill.

There are other provisions in the bill that I am confident other groups will be concerned about.

Thank you as always for the opportunity to address this important bill.

Sincerely,

A handwritten signature in black ink, appearing to read "Walter F. McKee". The signature is written in a cursive style with a prominent initial "W".

Walter F. McKee
Chair, Legislative Committee