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February 24, 2025

Senator Anne Carney, Senate Chair
Representative Amy Kuhn, House Chair
Committee on Judiciary
100 State House Station, Room 438
Augusta, Maine 04333-0100

Re: *LD 374 An Act to Provide Comparable Compensation and Benefits for
Deputy and Assistant District Attorneys, Assistant Attorneys General
and Public Defenders*

Dear Senator Carney and Representative Kuhn:

I am writing in support of L.D. 374, *An Act to Provide Comparable Compensation and Benefits for Deputy and Assistant District Attorneys, Assistant Attorneys General and Public Defenders*.

Assistant District Attorneys ("ADAs") and Assistant Attorneys General ("AAGs") are already treated equitably in the salary setting process. Under current law, the compensation and benefits for ADAs must be set comparably with that of AAGs. 30-A M.R.S. § 272(3). The statute does not provide for how this parity is to be achieved and in practice, it has fallen to the Attorney General to ensure compliance with this law. In my time as Attorney General, I have set compensation and benefits based on years of legal experience. Here are a couple of examples to illustrate this practice:

- 1) an attorney licensed in 2008 and practicing law since that time would have their compensation and benefits set consistent with other ADAs and AAGs who have practiced law for 17 years;
- 2) an attorney licensed in 2008 but who started practicing law in 2010 would have their compensation and benefits set consistent with other ADAs and AAGs who have practiced law for 15 years.

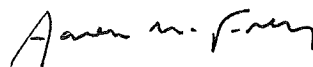
Generally speaking, setting compensation and benefits in this way has achieved equity between the more than 230 ADAs and AAGs, while also being faithful to the budgeted resources.

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When the Legislature established public defender offices, there was some effort to ensure public defenders would receive compensation and benefits that were comparable to prosecutors. This is evidenced by the Legislature using the ADA and AAG salary scales for public defenders. There was no framework provided, however, to promote equity between ADA, AAG, and public defender salaries. As a result, based on a basic comparison of public defender salaries to ADA and AAG salaries, it is hard to tell if equity is being achieved. On the one hand, Assistant Defender I's are paid more than comparable AAGs/ADAs, with the average differential being \$21,889.92. On the other hand, Assistant Defender II's are paid less than comparable AAGs/ADAs, with the average differential being \$12,482.10. This comparison was challenging in part because it does not appear that years of service factor into the salary setting for public defenders.

If treating public defenders, ADAs, and AAGs equitably for purposes of compensation and benefits is a priority of the Legislature, L.D. 374 provides the opportunity to direct resources to bring ADA and AAG compensation and benefits in line with public defender salaries, particularly for those state attorneys who have been practicing for many years. I strongly support this equity. ADAs and AAGs, just like public defenders, are providing exceptional legal work on behalf of the State of Maine. Passing this legislation is not only consistent with the original objective to treat all of these positions equitably, it will also confirm for ADAs and AAGs that we equally value their service to the people of Maine.

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron M. Frey".

Aaron M. Frey
Attorney General