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THE MAINE SENATE
132nd Legislature

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Testimony in Support of LD 374

“An Act to Provide Comparable Compensation and Benefits for Deputy and Assistant District Attorneys, Assistant Attorneys General and Public Defenders”

Presented to the Joint Standing Committee on Judiciary

February 24, 2025

Good afternoon Senator Carney, Representative Kuhn, and the members of the Joint Standing Committee on Judiciary. My name is Peggy Rotundo, and I have the privilege of representing the City of Lewiston in Senate District 21. I am here today to introduce LD 374, “An Act to Provide Comparable Compensation and Benefits for Deputy and Assistant District Attorneys, Assistant Attorneys General and Public Defenders.”

In 2022, Maine created the Public Defender Office to address the shortage of public defenders. While this office was created to combat a crisis, it was not the intent of the Legislature that public defenders be paid more than prosecutors. Unfortunately, this is the scenario we face today. This bill aims to rectify this and establish parity among Deputy and Assistant District Attorneys, Assistant Attorneys General and Public Defenders.

Currently, the Public Defender’s Office is hiring both Assistant Defenders I and II. The job postings for the Assistant Defender I comes with a minimum qualification of 5 years of criminal law experience preferred. The compensation for this position is advertised at a Grade 38 salary range, or \$102,107.20 - \$144,684.80 annually. That means someone with 5 years of experience working in criminal law will be compensated a minimum salary of over \$102,000. Prosecutors - with the same, if not more experience - are compensated as little as \$86,840, meaning there is over a \$15,000 difference in salaries for attorneys working for the Public Defenders and those working for the Attorney General as prosecutors.

The State faced a similar situation in the 131st Legislature when it was brought to our attention that the pay for guardians ad litem needed to be increased to better match the \$150 per hour compensation for criminal defense and child protection attorneys. It was argued that without parity in salary, Maine courts would begin to lose guardians ad litem. We agreed that this needed to be rectified, and voted to add an initiative in our supplemental budget that added more than \$3,400,000 in a funding increase for guardian ad litem billing rates, raising their compensation to match the \$150 per hour of the other attorneys. This is nearly the same kind of parity issue that we are trying to address now and which this bill aims to address.

Prosecutors play a vital role in the public safety of Maine. While the State is still dealing with a lack of representation for criminal defendants, this bill offers an opportunity to be proactive in preventing a shortage of prosecutors caused by this disparity in compensation.

Thank you for taking the time this afternoon to discuss this matter that is so important to the future growth of our state. I'm happy to answer any questions from the committee.