



MAINE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

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February 24, 2025

Senator Carney
Representative Kuhn
5 State House Station, Room 436
Augusta, ME 04333

RE: LD 449: An Act to Authorize a Court to Conditionally Discharge Certain Criminal Defendants.

Dear Senator Carney, Representative Kuhn and members of the Judiciary Committee:

MACDL supports LD 449 An Act to Authorize a Court to Conditionally Discharge Certain Criminal Defendants.

LD 449 creates a statutory framework allowing Maine judges and justices to impose conditions to encourage rehabilitation of defendants and then later discharge them through dismissal upon successful completion of those conditions.

LD 449 is carefully crafted to consider the effects of the conditional discharge across multiple existing statutes, including licensing and criminal history.

LD 449 confronts a serious problem facing Maine courts: a backlog of thousands of cases above and beyond those pending before the pandemic. Existing laws have proven ineffective to address this backlog despite exceptional offers made at “blitzes” scheduled by the courts, speedy trial challenges brought by defendants, and a pending suit by the Maine Civil Liberties Union. We cannot continue to rely upon our existing tools and expect different results. LD 449 addresses this problem by authorizing judges and justices to dismiss charges in limited felony and misdemeanor matters after defendants have complied with conditions encouraging rehabilitation and public safety. Defendants are held accountable through the same kind of oversight used in existing bail, administrative release, and deferred disposition processes.

The unconditional discharge process has one critical difference from existing processes: it does not require the consent of the attorney from the state. This distinction allows the court to identify cases that should be resolved notwithstanding individual and patchwork policies at different district attorneys’ offices refusing to rely upon filings under any circumstances or never using deferred dispositions in OUI cases. These patchwork policies result in inequitable outcomes across different districts and only further exacerbate the backlog.

For all these reasons, MACDL supports LD 449.

Thank you.

Sincerely,

/s/ Matthew D. Morgan

Matthew D. Morgan, Esq.

MACDL President Elect