

STATE OF MAINE

KATHRYN SLATTERY
DISTRICT I

JACQUELINE SARTORIS
DISTRICT II

NEIL MCLEAN
DISTRICT III

MAEGHAN MALONEY
DISTRICT IV



R. CHRISTOPHER ALMY
DISTRICT V

NATASHA IRVING
DISTRICT VI

ROBERT GRANGER
DISTRICT VII

TODD R. COLLINS
DISTRICT VIII

MAINE PROSECUTORS ASSOCIATION SHIRA BURNS, EXECUTIVE DIRECTOR

“An Act Regarding Speedy Trials”
Before the Joint Standing Committee on Judiciary
Public Hearing Date: March 3, 2025
Testimony in Opposition of LD 340

Senator Carney, Representative Kuhn and members of the Joint Standing Committee on Judiciary. My name is Shira Burns and I represent the Maine Prosecutors Association (MPA). I am here to testify in opposition of LD 340. On a policy perspective, the MPA absolutely supports moving cases faster in the criminal legal system. It is better for crime victims to have resolutions faster and it is better for prosecution, and prosecutors, to have cases resolved faster.

We don't believe any criminal legal system stakeholder would disagree that if passed, this bill would lead to dismissals of cases. The problem is, dismissals would not be based on victim safety or public safety risk factors, but feasibility of the court to accommodate all trial requests and availability of defense counsel to represent defendants – two functions that are currently not consistent.

The MPA has worked hard to reduce the backlog including filing less criminal cases. The numbers have been very clear, every prosecutorial district has drastically reduced their criminal filings since 2019.¹ Prosecutorial District 1, which consists of York County, doesn't even have a criminal backlog anymore. Even with an all-time low of new criminal filings² and no criminal backlog in Prosecutorial District 1, defendants still go without counsel in that district and the timelines in this bill are consistently not being met. 68% of the defendants that do not have an attorney in Prosecutorial District 1 are for crimes related to domestic violence or sexual assault charges.³

A case can't proceed when a defendant is entitled to an attorney and the State has not provided them one. However, this proposed legislation would have the clock running on when the case will be dismissed. The safety concern here is that the cases that will be dismissed are the ones with the highest victim and public safety risks. That is not good public policy.

¹ According to Judicial Branch data, in fiscal year 2019 there were 44,428 new criminal filings and in fiscal year 2024 there were 35,946 criminal filings.

² With the exception of fiscal year 2021.

³ According to the Judicial Branch data that is provided to criminal legal system stakeholders every week.

Prosecutors around the State are working days, nights and weekends to get cases processed and pushed through the criminal legal system. I am personally here and no longer in the courtroom because I reached that tipping point where the work life balanced cease to exist. My spouse and young children had such a diminished role in my life that I had to make a change even though I love being a prosecutor and have so much passion and drive left to strive for offender accountability and victim safety in the domestic abuse and sexual violence cases I was prosecuting. Simply put, we need more prosecutors to do this job and even come close to making the proposed timelines. This problem is compounded because even if we get more prosecutor positions, we currently are having problems with recruitment and retention. We are worried that this problem is going to be exacerbated with the opening of more public defenders offices that can offer higher pay with capped caseloads.

All parts of the criminal legal system are in crisis, we discussed this a lot last session and we are even in a worse position now than before. Defendants have a right to a speedy trial and that right is protected by our Maine and federal constitution. Any violation of that right currently gets litigated in our courts.

For all these reasons, the Maine Prosecutors Association is in opposition to LD 340.