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Testimony of Rep. Adam Lee presenting

LD 527, An Act to Establish Bail Officers to Administer the Maine Bail Code *Before the Joint Standing Committee on Criminal Justice and Public Safety*

Senator Beebe-Center, Representative Hasenfus and members of the Joint Standing Committee on Criminal Justice and Public Safety. I am Adam Lee, and I represent House District 89 which is downtown Auburn and new Auburn. I'm here to introduce **LD 527, An Act to Establish Bail Officers to Administer the Maine Bail Code**.

It's not often I get to present a bill that is simultaneously supported by the Maine Sheriffs, Maine Prosecutors, Maine Association of Criminal Defense Attorneys, the ACLU and Maine Pretrial Services. This one, LD 527, is. This is a judicial branch bill and Amanda Doherty – who is smarter than me on a great number of things, this bill included – is here from the branch to discuss the technical aspects of the bill and to answer your questions.

Ultimately, our current bail system utilizes bail commissioners, who are not judicial branch employees, to execute bail. While this system has been in place for a significant period of time, it has generated inefficiencies that have negatively affected both defendants' rights and public safety as a consequence of errors and delays.

Some of the issues include:

1. Not enough bail commissioners.
2. Delays in receipt of paperwork and bail money (oftentimes court staff have to track down bail commissioners and spend their time prodding for the money) which can lead to delays in releasing bail conditions and/or money retained.
3. Paperwork inaccuracies which can lead to similar delays and issues including inaccuracy in information provided to law enforcement about bail conditions which can create significant public safety risks.
4. Oftentimes, bail commissioners exceed or underutilize authority which can lead to defendants being incarcerated when they should be released, bailing people when they should otherwise be held until they go to court, cash bail when there shouldn't be and inaccuracy in the recording of conditions making the monitoring of compliance very difficult.

5. Additionally, given the somewhat ad hoc nature of having non-employees handling these issues, there is an inequitable assessment of and, therefore, enforcement of bail conditions and decisions.

This bill attempts to resolve these inefficiencies by minimizing the need for bail commissioners and instead creating bail officers who are employees of the judicial branch, have criminal justice experience and are exclusively committed to bail processes.

Again, Amanda is there to answer your questions and provide you with more details on the technical aspects of the bill. Thanks for your time.