



MAINE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

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March 17, 2025

Senator Anne Beebe-Center, Chair
Representative Tavis Hasenfus, Chair
Committee on Criminal Justice and Public Safety
5 State House Station, Room 436
Augusta, ME 04333

RE: LD 592: An Act to Amend the Laws Governing the Crime of Endangering the Welfare of a Child

Dear Senator Beebe-Center, Representative Hasenfus, and Members of the Committee on Criminal Justice and Public Safety:

MACDL opposes LD 592.

This bill's amendment to the existing law isn't necessary, and neither is creation of a new felony crime because other felony laws already provide the protections sought. This bill will create more problems than it will fix.

First, it is not clear there needs to be a change to the culpable state of mind. The statute currently requires a reckless standard. Changing the placement of the state of mind in the statute does not provide clarity nor additional guidance. This change does not provide anything that isn't already there.

Similar versions of this bill were previously introduced to this committee which did not pass. There have not been reasons that suggest there is a true need for a new felony crime. MACDL has long opposed to introduction of new felony crimes placed into bills, like this one, because of the disastrous consequences for an accused citizen. Introducing this new felony crime is not necessary given the existing law, and because the examples we can think of to justify this bill are already covered by other felony statutes.

Finally, creation of a new felony crime in this bill will lead to problems. The duty of care or protection is nearly impossible to define and is highly fact-specific dependent based on the relationship. It is a duty that is not only highly debatable, but it will also forever change. There is no clear consensus in the law about this standard. Creating a new felony law based on a moving target is not fair for the people of Maine and will only create additional unresolved cases. The existing law and punishment of up to 364 days in jail are sufficient, particularly when other existing laws cover the conduct aimed to be prevented by this bill.

For these reasons, MACDL opposes LD 592.

Sincerely,

/s/ Dominic A. Parent, Esq.

Dominic A. Parent, Esq.