

132nd Legislature
***Senate of
Maine***
Senate District 2

Senator Harold 'Trey' Stewart, III
Senate Republican Leader
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Joint Standing Committee on Judiciary
c/o Legislative Information Office
100 State House Station
Augusta, ME 04333

Dear Senator Carney, Representative Kuhn, members of the Joint Standing Committee on Judiciary:

I am writing to express my support for LD 1101, An Act to Address the Limited Availability of Counsel in Courts to Represent Indigent Parties in Matters Affecting Their Fundamental Rights, which seeks to address major deficiencies in Maine's system for providing indigent legal services.

As you are aware, earlier this month the Kennebec County Superior Court ruled that the state's Maine Commission on Public Defense Services (MCPDS) has failed to provide counsel "in violation of the Sixth Amendment to the United States Constitution." This failure to provide counsel at all stages of the criminal process has resulted in irreparable harm to indigent defendants. This is not only a Constitutional issue, but one with the potential to have impacts on public safety. As part of the ruling, the state must dismiss charges - without prejudice - against individuals denied counsel for more than 60 days after their initial appearance or arraignment.

This is a problem that has reached a crisis level. As of January, there were more than 730 pending criminal cases where no counsel had been provided by MCPDS. The median number of days these cases went without counsel, when calculated from the date the case was filed, is a staggering 111.

This bill takes crucial steps in addressing this issue. The bill would appropriate more than \$3.3 million over three fiscal years to the MCPDS, with the bulk of ongoing funding spent on hiring new staff to represent eligible defendants and coordinate and facilitate their assignment. Importantly, it would also authorize courts to appoint a private attorney in instances where a public defender or other assigned, contract, or employed counsel is unavailable and provides for their compensation at the current billing rate of \$150 per hour.

We must prioritize and adequately fund our most fundamental legal obligations to ensure a fair and just legal system for all. I respectfully urge the Committee to support LD 1101.

Sincerely,



Harold 'Trey' Stewart III
State Senator