

STATE OF MAINE

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DISTRICT VII

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DISTRICT VIII

MAINE PROSECUTORS ASSOCIATION  
SHIRA BURNS, EXECUTIVE DIRECTOR

“An Act to Address the Limited Availability of Counsel in Courts to Represent Indigent Parties in  
Matter Affecting Their Fundamental Rights”  
Before the Joint Standing Committee on Judiciary  
Public Hearing Date: March 19, 2025  
Testimony Neither for Nor Against LD 1101

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. I am here to testify neither for nor against LD 1101. Specifically, the MPA supports sections 1 through 3 of the bill as emergency legislation, but does not support section 4 of LD 1101 as associated with this bill.

Sections 1 through 3 of the bill will specifically allow the court to appoint a qualified attorney to represent indigent criminal defendants and be paid for their work through the Maine Commission on Public Defender Services (hereinafter PDS) without the attorney being rostered with PDS. The MPA supports these efforts and do believe that more defendants will get attorneys with the passage of sections 1 through 3 of this bill.

As many of you know, the recent *Robbins*<sup>1</sup> decision has outlined a release plan for incarcerated defendants that have qualified for an attorney but have not been provided one. We cannot stress enough the safety concerns that come with the release of some of these individuals. There is no better example of that than in the case of *State v. Hinkley*. Sections 1 through 3 of this bill will specifically allow the Court to request an attorney represent a certain defendant before they are released from custody for lack of counsel or in other circumstances and have the attorney paid for their services. We are confident the Court will properly prioritize the cases that pose the most risk to public safety when making these requests of attorneys.

The MPA does not support section 4 of this bill in establishing new positions as it is associated with sections 1 through 3 of this bill that needs to pass in an emergency manner. Sections 1 through 3 will have an immediate impact in getting unrepresented defendants counsel. The MPA does not want the emergency passage of those sections jeopardized by the addition of section 4 of the bill.

MPA supports and has supported the opening of Public Defender Offices throughout the State. We do believe that is the long term path forward. However, we share the concerns of Justice Murphy in the *Robbins*’ decision and the concerns of the Governor – which we believe are addressed in an amendment she is proposing to this bill.

<sup>1</sup> *Robbins v. MCPDS*, CV-22-054

For these reasons, the Maine Prosecutors Association is in support of sections 1 through 3 of LD 1101 and needs to pass in an emergency manner, but not in support of section 4 as it relates to this bill. The MPA requests section 4 be reviewed with any amendment the Governor's Office puts forward, but in no way want to jeopardize the passage of sections 1 through 3 of LD 1101 as emergency legislation.