



# Administrative Office of the Courts

P.O. Box 4820, Portland, Maine 04112-4820

Tel: (207) 822-0792 FAX: (207) 822-0781 TTY: (207) 822-0701

Julia Finn, Esq.  
Legislative Analyst

Tel: (207) 822-0767  
[julia.finn@courts.maine.gov](mailto:julia.finn@courts.maine.gov)

## **Judicial Branch testimony neither for nor against LD 1536, An Act to Amend the Laws Governing Bail:**

Senator Beebe-Center, Representative Hasenfus, members of the Joint Standing Committee on Criminal Justice and Public Safety, my name is Julie Finn and I represent the Judicial Branch. I would like to provide some brief testimony neither for nor against LD 1536.

First, this bill repeals recent amendments, putting the bail code back in the position it was in four years ago. This means that the modifications that Bail Commissioners have learned and are implementing would have to be undone, creating more confusion. Additionally, programming changes would have to be drawn back, clerk and dispatcher instructions on bail condition entry would have to be redone, and bail forms again updated.

Second, this bill would take out the requirement that defendants have the "present financial ability to pay" the \$60 Bail Commissioner fee, and instead would obligate them to pay this fee prior to their release. This means that an indigent person who has no financial means and has bail set at personal recognizance or an unsecured amount<sup>1</sup> would nonetheless be held in county jails until they see a judge or justice, instead of being able to be released as a judicial officer has ordered. This means that there will be more persons held at county jails awaiting their court appearances, and longer court lists for in-custody persons, thereby creating an increased workload for all involved, especially the clerks.

Third, adding back in the possibility of a bail condition that a defendant "report to their attorney" may put attorneys in a position of having to be a witness against their client if the defendant does not report to them as instructed, or else be an officer of the court who violates a court order. While other groups will likely address the ethical conflict that this creates, the Judicial Branch also offers that this will increase the issues with finding appointed counsel, because if an attorney becomes a witness for or against a client, that attorney will have to withdraw and new counsel appointed, in a time where finding counsel to begin with is already a challenge.

Thank you for your time.

---

<sup>1</sup> It should be noted that there are some bails that are mandatory personal recognizance or unsecured under Title 15 Section 1026(3)(B-1), rather than this being a matter of discretion.