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THE MAINE SENATE
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**Joint Standing Committee on Criminal Justice and Public Safety on
LD 1536, An Act to Amend the Laws Governing Bail
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Good afternoon, Senator Beebe-Center, Representative Hasenfus, and esteemed members of the Joint Standing Committee on Criminal Justice and Public Safety: I am Dave Haggan and I have the honor of representing the people of Senate District 10, which includes three municipalities in Hancock County and nine municipalities in Penobscot County. I am pleased to present LD 1536, *An Act to Amend the Laws Governing Bail*.

LD 1536 seeks to reverse the changes enacted under the 2021 Public Law that significantly altered the Maine Bail Code. Since these reforms took effect, law enforcement agencies across the state have observed a troubling increase in repeat offenders who commit new crimes while already out on bail, often on multiple sets of bail conditions. Public safety has been adversely affected, and the courts' ability to hold individuals accountable has been seriously weakened.

In conversations with officers from various law enforcement agencies, the message is consistent: Maine's bail laws are contributing to a systemic failure. Officers routinely arrest individuals who are already on bail, sometimes with five, ten, or even more sets of bail. These offenders often exhibit a brazen attitude, knowing that the current system will likely release them again with minimal consequences.

To illustrate:

In December 2022, a man in Brewer was arrested after assaulting a convenience store clerk. At the time of arrest, he had 24 sets of active bail conditions. That's not a typo—24. Despite these conditions, he was not deterred from committing another violent offense.

In November 2024, a man in Rockport was arrested during a bail compliance check with over 20 grams of suspected crack cocaine. He had been released on bail just three days prior for a separate drug offense.

In September 2024, a convicted felon in Lewiston was found with fentanyl and a sawed-off shotgun during a traffic stop—while out on bail. He was charged with multiple felonies, including violation of conditions of release, yet his release had not been meaningfully restricted.

In Auburn, just days after posting bail in September 2024 for allegedly causing extensive damage at a car dealership (vandalizing close to 75 vehicles causing approximately \$80,000 in damages), the man was arrested again. This time he was charged with driving to endanger, operating after suspension, leaving the scene of a personal injury accident. This

rapid recidivism highlights how ineffective bail conditions have become under current law. In December 2024, a Holden man, previously convicted for a hit-and-run drunk driving incident that injured an 87-year-old man, was arrested for domestic violence assault and violating his release conditions. Despite being sentenced to 15 months in prison, he was out on bail pending an appeal.

In February 2025, a Holden man already on probation for manslaughter and out on three sets of bail conditions, was arrested for dragging a woman from her vehicle and assaulting her.

These are just a few examples. There are countless more.

The 2021 reform created a “cashless” bail system for Class E misdemeanors, such as Criminal Trespass, Disorderly Conduct, and certain Theft offenses. While the intention may have been to reduce incarceration for nonviolent, low-level crimes, the practical outcome has been a steady increase in repeat criminal behavior by individuals who know there are few immediate consequences for their actions.

Moreover, the reform curtailed judicial discretion, even in cases where judges had reason to believe the accused posed a threat to public safety or was unlikely to appear in court. The ability to consider a person’s history of reoffending, prior failures to appear, or violations of bail conditions has been reduced, hamstringing judges and prosecutors alike.

Bail is a constitutional right—but it is not absolute. It is intended to balance the presumption of innocence with the need to ensure court appearance and protect public safety. It is, at its core, a contract: the accused agrees to abide by certain conditions in exchange for release. When that contract is repeatedly broken, as we are seeing now across Maine, the system must have the tools to respond.

LD 1536 aims to restore those tools. It does not eliminate bail reform—it corrects its overreach. It allows for proper judicial discretion based on individual risk and behavior, and it reaffirms the state’s commitment to public safety.

The evidence is clear: Maine’s current bail laws are not working. They are endangering communities, burdening law enforcement, and eroding public trust. LD 1536 provides a reasonable and necessary correction.

I strongly urge this Committee to vote Ought to Pass on LD 1536. Public safety—and public confidence in our criminal justice system—depends on it.