

132nd Legislature
***Senate of
Maine***
Senate District 29

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Testimony of Senator Anne Carney introducing
**LD 2059, An Act to Provide Required Funding for the Reimbursement of Assigned
Counsel and to Develop the Public Defender Office for Cumberland County**
before the Joint Standing Committee on Judiciary
January 20, 2026

Chair Kuhn and esteemed members of the Joint Standing Committee on the Judiciary, my name is Anne Carney, I represent Senate District 29 and I am honored to introduce LD 2059, "An Act to Provide Required Funding for the Reimbursement of Assigned Counsel and to Develop the Public Defender Office for Cumberland County." This is emergency legislation.

I want to thank the committee for your thoughtful consideration of this legislation as well as for the significant public defense work in which the committee has engaged since the 130th Legislature. You have worked with the Commission on Public Defense Services (PDS), the Judicial Branch, the Executive Branch and our fellow legislators to build and sustain Maine's capacity to provide 6th Amendment defense to criminal defendants who cannot afford an attorney.

Over the last 6 years, Maine has made significant and necessary changes in our system for respecting the 6th Amendment right to counsel for indigent criminal defendants and parents in child protection cases. We have worked to establish public defender offices that mirror the prosecutorial offices and to improve reimbursement rates for assigned counsel, who remain an important part of our PDS system.

Last week, Executive Director Frayla Tarpinian presented to this committee the Annual Report of the Maine Commission on Public Defense Services. ED Tarpinian's report and presentation outlined the meaningful headway Maine is making, and I am grateful for the dedication and hard work by ED Tarpinian and Deputy ED Maciag. The recent sharp decline in the number of cases on the unrepresented list is reflective of the substantive progress made under the leadership of PDS. They developed a new process, described on page five of the Annual Report, to assign counsel for unrepresented defendants. In December 2024, the unrepresented list reached a high of 1,053 cases. At the end of 2025, the unrepresented list had decreased to just 252 cases. Still, to paraphrase Robert Frost, we have "promises to keep" and "miles to go" before we sleep.

We are at a critical point in establishing a state-wide public defense system. Five offices are operational, and a sixth is underway. The number of attorneys renewing their eligibility to serve

as appointed counsel has increased steadily over the last few years. Passing LD 2059 as emergency legislation will sustain PDS through the end of the current fiscal year. Failure to pass this funding bill will prevent PDS from paying bills to assigned counsel in the fourth quarter, likely leading to a soaring number of unrepresented individuals.

I fear this will take us back to the conditions that led to the Robbins v. State of Maine litigation in 2022. As ED Tarpinian stated on page six of the most recent Annual Report, "These unstaffed cases create inefficiencies within the system that impair all sides from resolving cases, which is costly both in terms of monetary resources, but also the burden placed on indigent clients and the human capital of overworked systems."

Our growing public defense system has become a stable foundation for providing public defense services across the state. The brick-and-mortar offices and attorneys employed by PDS enable Maine to comply promptly with the 6th Amendment and the flexibility to respond to demand throughout the state. The Continuing Legal Education training opportunities, research tools and resource council provided to PDS attorneys and assigned counsel are yielding the effective, professional representation our state needs. And we have seen, especially in the most recent PDS Annual Report, that nurturing our PDS system will lead to significant cost savings for the State, as well as timely, consistent and quality representation for indigent defendants and parents in child protection cases.

LD 2059 is urgently needed to meet the State's obligation under the 6th Amendment. This emergency legislation will keep Maine's PDS system functioning in the last quarter of this fiscal year and support our progress toward a more stable, reliable and cost-effective system in the near future. I urge you to support LD 2059.

Thank you for your thoughtful consideration. I am happy to answer any questions you may have.