



# MAINE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

P.O. Box 17642  
Portland, ME 04112-8642  
(207) 523-9869  
mainemacdl@gmail.com

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April 5, 2021

Senator Susan Deschambault  
Representative Charlotte Warren  
Committee on Criminal Justice & Public Safety  
100 State House Station Room 436  
Augusta, ME 04330

RE: LD 1192 -- An Act Concerning the Composition of the Criminal Law  
Advisory Commission

Dear Senator Deschambault, Representative Warren and Members of the Criminal  
Justice and Public Safety Committee:

MACDL opposes LD 1192.

The Criminal Law Advisory Commission has existed for longer than I can remember. It has been highly effective in providing detailed, intelligent, and extensive analysis of criminal laws. As you all know, the group is comprised of defense attorneys, judges, and prosecutors. Prosecutors are sworn law enforcement officers and provide a law enforcement perspective at each and every meeting. The group is balanced in an appropriate way with both prosecution and defense, as well as judiciary, providing insight that is passed along to this Committee in a way that is often consensus based and wise.

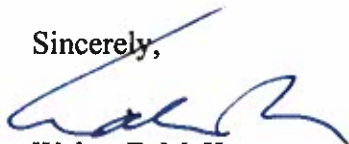
This bill would add two law enforcement officers to this otherwise balanced Commission. Skewing this carefully constructed balance so that there are more law enforcement representatives on the Commission than defense or even judicial representatives would be unfortunate. There is nothing to suggest at this time that the Commission is anything other than constituted in a way that promotes the integrity of the advice it provides to this Committee.

Allowing two law enforcement officers to be part of the Commission would then appropriately require at least two additional criminal defense representatives—perhaps a private investigator who works for defense attorneys or a paralegal who handles criminal defense matters in a law firm—to be added. A Pretrial Services representative would be well within his or her rights to ask that he or she be part of this Commission. Because DHHS matters sometimes intersect with criminal law matters, then a DHHS representative might want to be part of the Commission. The list goes on and on.

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As it stands now, the Commission is doing its work in its same careful and reasonable way that it has been for a long, long time. This is clearly a case where something is not broken and yet there is a call to fix it. Nothing is broken and nothing needs fixing. Please leave the Commission alone.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Walter F. McKee', with a stylized flourish at the end.

Walter F. McKee  
Chair, Legislative Committee