



## MAINE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

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

January 29, 2022

### 2021-2022 OFFICERS

*President*  
Amber L. Tucker

*President-Elect*  
Jeremy Pratt

*Vice President*  
Matthew D. Morgan

*Treasurer*  
Walter F. McKee

*Secretary*  
Sarah L. Branch

### 2020-2021 DIRECTORS

Dylan R. Boyd  
Andrew Edwards  
Devens Hamlen  
Scott F. Hess  
James Mason  
Harris Mattson  
Joseph Mekonis  
Stacey D. Neumann  
Neil Prendergast  
Luke S. Rioux  
Adam P. Sherman  
Adam Swanson  
Robert T. Van Horn

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

### **RE: LD 1479 An Act To Make Certain Traffic Infractions Secondary Offenses**

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

MACDL supports LD 1479.

Last year, this committee recommended and the legislature passed LD 417, An Act to Protect Maine's Drivers from Pretextual Stops. Unfortunately, this bill was vetoed by the Governor.

LD 1479, the bill currently before this committee, is a less comprehensive version of the bill that was vetoed last year or, to put it another way, LD 1479 is a more precise, targeted version of last year's bill.

What this bill means is law enforcement cannot pull over a vehicle solely for the reason listed in the bill. If the vehicle is pulled over for another valid reason than the driver may be ticketed for the offenses listed in the bill.

### **EXECUTIVE DIRECTOR**

Tina Heather Nadeau

The reason that this matters is because the things that would become secondary offenses are the things that are most commonly used as a pretext to stop a vehicle. A pretext stop is when law enforcement uses a minor traffic offense as an excuse to pull over a driver in order to investigate something else. This something else is not sufficient for law enforcement to pull the person over independent of the minor traffic infraction.

Pretext stops disproportionately affect people of color and poor people. This is supported by data from the federal government, multiple studies, and a multitude of law review articles. Pretextual stops are simply an end run around an individual's right to be free from government intrusion. Lastly, pulling people over for trivial matters erodes the trust between law enforcement and the communities they serve. This bill is a step in the right direction for restoring that trust.

Thank you for your consideration.

Sincerely,

/s/ Jeremy Pratt  
President-Elect, MACDL