



**2022-2023
OFFICERS**

President
Amber L. Tucker

President-Elect
Jeremy Pratt

Vice President
Matthew D. Morgan

Treasurer
Walter F. McKee

Secretary
Sarah E. Branch

**2022-2023
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

**EXECUTIVE
DIRECTOR**

Tina Heather Nadeau

MAINE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

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

April 23, 2023

Senator Anne Beebe-Center, Chair
Representative Suzanne Salisbury
Committee on Criminal Justice & Public Safety
100 State House Station Room 436
Augusta, ME 04330

RE: LD 1119 -- An Act to Clarify the Criminal Statutes with Regards to
Assaults on Emergency Medical Persons

Dear Senator Beebe-Center, Representative Salisbury, and Members of the Criminal
Justice and Public Safety Committee:

MACDL opposes LD 1119.

This bill would make a person a felon if they assaulted any hospital personnel while in an emergency room. This bill is part of a never ending expansion to add more felony crimes on Maine's books. It is apparently not enough that a person who commits assault can go to jail for up to 364 days. It is apparently more appropriate to make these same people convicted felons and subject to prison sentences of up to 5 years.

This very idea is anathema to our criminal justice system and society as a whole. We do not need to have more people convicted of felonies and wearing that scarlet moniker for the rest of their lives. We certainly do not need it when there are already severe penalties for people who assault others. And yet this bill wants to make sure that a person who assaults a person in one particular place – the emergency room – is treated differently, and somehow worthy of being a felon.

I think we can all agree that those who go to emergency rooms are not having their best day. Emergency rooms are places where people go because they are having an emergency medical or psychological situation that requires immediate care. These people are in unmanageable pain or suffering psychological trauma and everyone understands that when you are in this situation you are never in your best state of mind, and your behavior will sometimes present itself in a way that you would never imagine. Making a person's actions on that day result in their being a convicted felon forever is a terrible idea. Do not allow this to happen by passing this bill.

If the goal of this bill is to, as is often poorly said, to give "prosecutors more tools," then be assured that prosecutors have more than enough tools right now to deal with people who are acting inappropriately in emergency room. No prosecutor can say that they "need this tool" to make sure ER personnel will be safer, and no prosecutor who can say that people are truly going to act any differently because (usually

unbeknownst to the patient) they will be a convicted felon if they act out. It just is not so.

Bear in mind that this bill expands the number of people who are considered victims for purposes of felony crimes to every person who works at or is connected to the hospital. They do not have to be providing care; they just have to have a hospital connection. Why there should be different treatment for assault on a person in the ER, as opposed to a whole host of other potential victims 100 feet from the ER is not clear, probably because it does not make any sense.

Do not pass this bill.

Thank you for the opportunity to address this issue.

Sincerely,

A handwritten signature in blue ink, appearing to read "Walter McKee".

Walter F. McKee
Chair, Legislative Committee