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May 2, 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 1796 -- An Act to Protect Maine's Transit Employees

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

MACDL opposes LD 1796.

This bill makes it a felony offense to commit any assault whatsoever on a "transit employee." This includes spitting at a transit employee.

While we can all agree that assaulting anyone and even spitting on them is a crime for which there should be a punishment, making this a full-blown felony level offense is inappropriate, inconsistent with basic principles of criminal justice, and not proportionate to the offense.

As it stands now, and as MACDL has said repeatedly this past session, a person who commits assault on a transit worker is subjected to a penalty of up to 364 days in jail as well as fines. There is no evidence that any judge, much less a prosecutor, has ever suggested that the current crime is an insufficient deterrent and that the judge or the prosecutor would seek to impose a sentence of more than 364 days in jail for a person engaged in these acts.

Felony crimes should be reserved for those particularly outrageous or repeated such that a person should be branded a felon for the rest of their life and suffer all of those many significant consequences. Assault on a transit employee is not one of those crimes.

Do not create a new felony.

Thank you for the opportunity to address this issue.

Sincerely,

A handwritten signature in blue ink, appearing to read "Walter F. McKee". The signature is fluid and cursive, with the first name "Walter" being more prominent than the last name "McKee".

Walter F. McKee  
Chair, Legislative Committee