



MAINE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

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

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Senator Anne Carney, Chair
Representative Amy Kuhn, Chair
Joint Committee on Judiciary
5 State House Station, Room 438
Augusta, ME 04333

RE: LD 1796: An Act to Implement the Recommendations of the Maine Commission on Public Defense Services to Clarify the Types of Cases for Which the Commission Is Responsible for Providing Counsel

Dear Senator Carney, Representative Kuhn, and Honorable Members of the Judiciary Committee:

The Maine Association of Criminal Defense Lawyers is a non-profit organization that has nearly 300 member attorneys who practice criminal defense across the state. Since 1992, MACDL has advocated for its members and the people we are fortunate to represent in courtrooms throughout Maine and at the State House.

MACDL presents this testimony **in support of** LD 1796.

For as long as the Commission has been in existence, it has faced funding crises. It has been forced to stretch itself—and the work of its appointed attorneys—extraordinarily thin given the budget within which it must operate. This threatens the continued existence of a pool of attorneys willing and qualified to do this work—at the expense of depriving MCDPS’s current client base the right to effective assistance of counsel.

This bill would limit that stretching somewhat, thereby allowing the Commission to dedicate its resources to those attorneys who are providing Constitutionally or statutorily required counsel. It clarifies that the court itself, not the Commission, is responsible for the appointment and payment of counsel in juvenile petitions for emancipation or for any party entitled to counsel under Maine’s Probate Code—which includes guardian ad litem appointed pursuant to the Maine Uniform Probate Code.

As we wrote earlier this session in opposition to LD 1175, An Act Regarding the Appointment and Payment of Counsel for Indigent Parents and Minors: “It is critical for MCPDS to be responsible—independently—for both the oversight and evaluation of all its defense providers. It must have the authority to create and ensure standards for effective representation. MCPDS’s independence insulates it from the whims of political pressure or judicial interference—no matter how beneficent in its intention.”

If MCPDS were to take on these cases, not only would that work cut into its already lean budget, but it would also have to expend time and resources on developing standards, qualifications, and oversight for these areas of practice.

The President of the Maine Association of Registers of Probate, Catherine Moore, testified similarly in her opposition to LD 1175: the current practice of keeping this set of appointments within the purview of the Probate Court is working well and linking it to MCPDS may result in delayed appointments to those who need attorneys in the Probate Court. “If our State cannot find attorneys for those in jail and inmates are going to be released if they are not appointed counsel within 2 weeks, how are they going to find attorneys and money to pay appointees in our cases?” she asked.

I think we can all agree that MCPDS has more than enough on its plate. This bill would ensure that it could continue to focus on the areas, including adult criminal representation and parent representation in child protective matters, that are facing an ongoing crisis.

For all these reasons, we ask that this Committee vote **ought to pass** on LD 1796.

Thank you for your consideration, for your attention to this important matter, and for allowing me to present this testimony on this bill to you all today.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tina Heather Nadeau", with a stylized, flowing script.

Tina Heather Nadeau, Esq.
MACDL Executive Director