February 24, 2021

Sen. Anne Carney, Chair
Rep. Thom Harnett, Chair
Joint Standing Committee on Judiciary
Maine State Legislature
100 State House Station
Augusta, ME  04333

Re:  **LD 320, An Act to Provide the Right to Counsel for Juveniles and Improve Due Process for Juveniles**

Dear Sen. Carney, Rep. Harnett, and Members of the Judiciary Committee:

We write to express our **support** for LD 320 which would, among other things, clarify and expand access to counsel for juveniles. We testified in support of similar legislation in the 129th Legislature, which bill was ultimately passed by the Judiciary Committee on a 12-1 basis, but was not ultimately enacted into law due to the premature adjournment of the Legislature last year due to the COVID-19 pandemic.

**About us.** The Maine State Bar Association is a statewide trade association chartered in 1891 by the Maine Legislature. The Association currently represents approximately 3000 attorneys in the State in both public service and private practice. The Association maintains 28 separate sections covering nearly every field of law practiced in Maine, from Administrative Law to Workers’ Compensation Law.

**We support LD 320.** Access to justice is a key part of our Association’s mission. LD 320 raises this issue in the context of the juvenile justice system. Under the bill, which was extensively negotiated in the prior Legislature, juveniles within Maine’s justice system would be afforded more protections, including:

1. Making sure that children 11 and under are not under the juvenile justice jurisdiction, meaning they can't be charged with a crime or go to Long Creek.
2. Removing the 1 year mandatory minimum sentence for all children sent to Long Creek regardless of their offense.
3. Providing children access to court appointed counsel and judicial reviews every 6 months, if requested, for the purpose of receiving/reviewing reports, reviewing whether Long Creek remains the least restrictive alternative and providing services that promote rehabilitation, which are required by law.

If adopted, we believe these requirements will better protect juveniles within the justice system, and we encourage the Committee to support their adoption into law.
Conclusion. On behalf of the Maine State Bar Association, we appreciate the opportunity to provide comments in support of LD 320. If you have questions or need additional information, please let us know.

Sincerely,

Kelly McDonald
President, Board of Governors

cc: Angela Armstrong, Executive Director
Rachel Deschuytner, Chair, MSBA Legislative Committee
James I. Cohen, Verrill Dana, LLP