May 20, 2019

Sen. Michael Carpenter, Chair
Rep. Donna Bailey, Chair
Joint Standing Committee on Judiciary
Maine State Legislature
100 State House Station
Augusta, ME 04333

Re: LD 1684, An Act To Clarify the Right to Counsel for Juveniles and Improve Due Process for Juveniles

Dear Sen. Carpenter, Rep. Bailey, and Members of the Judiciary Committee:

On behalf of the Maine State Bar Association, we appreciate the opportunity to provide comments in support of LD 1684, which bill would, among other things, clarify and expand access to counsel for juveniles.

Briefly, 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 27 separate sections covering nearly every field of law practiced in Maine, from Administrative Law to Workers’ Compensation Law.

Access to justice is a key part of our Association’s mission. LD 1684 raises this issue in the context of the juvenile justice system. Section 2 of the bill in particular outlines a range of important requirements related to appointment of counsel for juveniles who are within the jurisdiction of Maine’s Juvenile Court, including the right to be represented at every stage of proceedings; a requirement that a juvenile be advised of their right to counsel at every appearance before the court; the ability to appoint counsel for juveniles who are unable to afford an attorney; and authority for the court to appoint counsel without request where necessary for the best interest of the juvenile. Overall, LD 1684 ensures that an attorney’s appointment continues during a juvenile’s incarceration so that the juvenile’s legal interests are protected during judicial reviews, and LD 1684 increases the frequency of these reviews after adjudication.

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. Thank you for the opportunity to comment on this bill, and we would be happy to provide additional information if helpful to the Committee.

Sincerely,

Eric N. Columber

Eric N. Columber, President
Board of Governors