



STATE OF MAINE  
Department of Public Safety  
Maine State Police  
42 State House Station  
Augusta, Maine  
04333-0020

JANET T. MILLS  
GOVERNOR

MICHAEL SAUSCHUCK  
COMMISSIONER

COL. JOHN E. COTE  
CHIEF

LT. COL. WILLIAM S. HARWOOD  
DEPUTY CHIEF

**Testimony of Major William Ross  
Maine State Police  
Department of Public Safety**

**IN OPPOSITION TO LD 1703  
An Act to Amend the Bail Code**

Hearing Date: May 21, 2021  
Judiciary

**Sponsored by:** Representative Talbot Ross of Portland.

Senator Carney, Representative Harnett, and Distinguished Members of the Judiciary Committee;

My name is Major William Ross, and I am here to represent the Department of Public Safety and the Maine State Police to testify against LD 1703, “An Act to Amend the Bail Code

The bill as written would have a detrimental impact on public safety and officer safety leading to repeat calls for services without the ability to impose bail for the offender. Bail is intended to ensure one’s appearance in court and to protect the greater public. The law enforcement officer’s ability is also hamstrung when these conditions are removed. There are instances where an arrest and not a summons would be the better choice for law

enforcement to handle a situation. But when a summons is not the solution to the problem, an arrest may be the last resort to instill peace into the unfortunate situation. Currently, law enforcement officers have discretion, with the ability to issue a summons in lieu of an arrest. There are times where a summons is more appropriate than an arrest and vice versa. Law enforcement encounter multiple incidents where taking someone into custody and deciding not to issue a summons is the more appropriate course of action regarding public safety. When a law enforcement officer is unable to take an offender into custody or no bail exists, essentially removing the problem from the area, these incidents which usually start as nuisance complaints can quickly escalate leading to more serious incidents and crimes.

The bill would narrow the discretion of bail commissioners and judicial officers in setting bail; while prohibiting a financial condition from being imposed in some circumstances might make sense as a matter of public policy, narrowing the discretion of judicial officers in setting bail in the other ways the bill proposes would be a positive change as a public policy matter. The bill requires the pretrial release on personal recognizance or upon an unsecured appearance bond for a person charged with a Class E offense. Having the problem or offender return to the area after an arrest would most likely escalate the situation and create more issues for the responding officer(s), further victimization and put the community at greater risk. Secured bail and conditional release safeguard the victims of the initial crime and the community at large.

Bail reform is an important topic for discussion. The Department of Public Safety and the State Police are committed to constructive conversations related to the safety and wellbeing of all people.

For these reasons, I strongly urge the Committee to vote Ought Not to Pass on this bill.

On behalf of the Department of Public Safety and the Maine State Police, I thank you for your time and would be happy to try and answer any questions that you might have.

---

INTEGRITY \* FAIRNESS \* COMPASSION \* EXCELLENCE

Offices located at: 36 Hospital Street, Augusta Maine  
(207) 624-8939 (Voice) (888) 524-7900 (TDD) (207) 624-7088 (Fax)