



131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 609

H.P. 386

House of Representatives, February 14, 2023

An Act to Ensure an Incarcerated Individual's Right to Make Free Telephone Calls Protected by Attorney-Client Privilege

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

Robert B. Hunt

ROBERT B. HUNT
Clerk

Presented by Representative HASENFUS of Readfield.
Cosponsored by Senator HICKMAN of Kennebec and
Representatives: MOONEN of Portland, RANA of Bangor.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 30-A MRSA §1566, sub-§3** is enacted to read:

3 **3. Resident's right to make free telephone calls protected by attorney-client**
4 **privilege.** A jail shall provide a resident with a reasonable opportunity to make free
5 telephone calls protected by the attorney-client privilege during regular business hours for
6 the purpose of communicating with the resident's attorney regarding the criminal
7 proceeding or proceedings on the offense or offenses for which the resident is incarcerated.
8 Each jail shall draft, publish and implement guidelines governing resident access to free
9 telephone calls protected by the attorney-client privilege in accordance with this
10 subsection.

11 **Sec. 2. 34-A MRSA §3015, sub-§2, ¶B,** as enacted by PL 2021, c. 615, Pt. A, §1,
12 is amended to read:

13 B. The department shall provide a resident with a reasonable opportunity to make free
14 telephone calls protected by the attorney-client privilege during regular business hours
15 for the purpose of communicating with the resident's attorney regarding the criminal
16 proceeding or proceedings on the offense or offenses for which the resident is
17 incarcerated. ~~The department shall provide to a resident who has less than \$10 in the~~
18 ~~resident's facility account a free telephone call allowance for 30 minutes of telephone~~
19 ~~calls per week under this paragraph.~~ The chief administrative officer of each
20 department facility shall draft, publish and implement guidelines governing resident
21 access to free telephone calls protected by the attorney-client privilege in accordance
22 with this paragraph.

23 SUMMARY

24 This bill requires the Department of Corrections and county and municipal detention
25 facilities to provide residents in detention facilities, correctional facilities and jails free
26 access to telephone calls protected by the attorney-client privilege during regular business
27 hours. These free telephone calls must be for the purpose of communicating with the
28 resident's attorney regarding the criminal proceeding or proceedings on the offense or
29 offenses for which the resident is incarcerated. The bill also directs the chief administrative
30 officer of each detention facility and correctional facility and each county and municipal
31 detention facility to draft, publish and implement guidelines governing access to free
32 telephone calls.