



MAINE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

P.O. Box 17642

Portland, ME 04112-8642

(207) 523-9869

mainemacdl@gmail.com

April 19, 2023

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Senator Anne Carney, Chair
Representative Matt Moonen, Chair
Committee on Judiciary
5 State House Station, Room 438
Augusta, ME 04333

RE: LD 1603 “An Act to Implement the Recommendations of the Committee to Ensure Constitutionally Adequate Contact with Counsel.”

Dear Senator Carney, Representative Moonen, and Members of the Committee on Judiciary:

MACDL supports LD 1603.

LD 1603 is a revamped version of LD 1946 from last session. LD 1603 removes the provision from LD 1946 that made it a crime to intentionally listen to/record privileged attorney-client communications, which was an important protection. This is unfortunate because such purposeful violations of the privilege between an attorney and his/her client deserve the strongest possible protection.

LD 1603 does, however, still take important steps to address the need for privileged phone communications as well as meeting places for attorneys and incarcerated clients. MACDL strongly supports these requirements.

The creation of protocols to protect attorney-clients communications at all levels of law enforcement from the detention facilities, prosecutors' offices, and law enforcement is likewise an important change that this committee should support to protect the rights of incarcerated people in Maine.

The right to speak and meet confidentially is a bedrock principle of our criminal justice system and LD 1603 takes important steps to recognize and protect this important right.

For these reasons, MACDL supports LD 1603.

Sincerely,

/s/ Matthew Morgan

Matthew D. Morgan, Esq.
MACDL Vice President