



Testimony in Support of LD 2159, “[An Act to Protect the Confidentiality of Attorney-Client E-mail Communications for Residents of Jails and Correctional Facilities](#)”

Senator Carney, Representative Moonen, and distinguished members of the Committee on Judiciary, thank you for the opportunity to testify on LD 2159. My name is Jacob Posik and I am testifying in support of LD 2159 on behalf of Maine Policy Institute, a nonpartisan, nonprofit organization that works to expand individual liberty and economic freedom in Maine.

Following the revelations that numerous county jails recorded roughly one-thousand phone calls¹ between defendants and lawyers on Maine jails’ phone systems in the past, LD 2159 is a common sense bill intended to respect the constitutional rights of the accused and protect attorney-client privilege.

Given the track record of Maine jails and law enforcement personnel infringing on attorney-client privilege, LD 2159 should be an uncontroversial tweak to Public Law 2023, Chapter 394. Those accused or convicted of crimes still have rights that must be respected, even if they are incarcerated. People who access privileged information between a defendant and their attorney should not be allowed to investigate or appear as a witness in a criminal case against that defendant. Allowing this to occur is fundamentally unfair to the accused and, to whatever extent it is present today in Maine, must stop.

Please deem LD 2159 “**Ought to Pass**” to protect the rights of the accused. Thank you for your consideration.

¹ <https://themainemonitor.org/eavesdropping-in-maine-jails/>