



MAINE CHIEFS OF POLICE ASSOCIATION

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Statement in support of

L.D. 2085, An Act to Update Maine's Domestic Violence and Stalking Laws

January 24, 2024

Senator Carney, Representative Moonen, and honorable members of the Judiciary Committee. My name is Jason Moen. I am the Chief of the Auburn Police Department, and the Acting President of the Maine Chiefs of Police Association. I am submitting testimony on behalf of the Maine Chiefs of Police Association in support of LD 2085.

The Mission of the Maine Chiefs of Police Association is to secure a closer official and personal relationship among Maine Police Officials; to secure a unity of action in law enforcement matters; to enhance the standards of police personnel, police training and police professionalism generally; to devise ways and means for equality of law enforcement throughout the state of Maine; to advance the prevention and detection of crime; to prescribe to the Law Enforcement Code of Ethics; and to promote the profession of law enforcement as an integral and dedicated force in today's society sworn to the protection of life and property.

As proposed in the bill sponsor's amendment, this legislation aligns Maine laws with the new federal standard set by *Counterman v. Colorado*, 600 U.S. 66 (2023), by amending relevant sections of our state's Criminal Code and the protection from abuse laws to provide that, with respect to a violation of the abuse laws or the crime of terrorizing, stalking or harassment by telephone based on the content of the actor's speech, the actor must have consciously disregarded a substantial risk that the actor's speech would place a reasonable person in fear of bodily injury.

To effectively carry out our sworn duties as law enforcement officers, it is imperative that we have clear and enforceable criminal state statutes that are free from ambiguity. Since the ruling in *Counterman* that was handed down last year, we have been working under differing standards at the state and federal levels. This makes it extremely difficult to determine what conduct is punishable under Maine statute and whether that statute holds up to constitutional scrutiny.

By making the changes outlined in LD 2085 as amended, it allows for our law enforcement officers to enforce Maine's criminal laws with certainty. This will provide for greater victim safety by ensuring that all forms of stalking and terrorizing are covered in Maine law and making sure that offenders are held accountable for the crimes they have committed.

On behalf of the Maine Chiefs of Police Association, we thank the Committee for its consideration of this proposal, and we respectfully ask members to support the passage of LD 2085.