



## MAINE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

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Senator Anne Beebe-Center, Chair  
Representative Tavis Hasenfus, Chair  
Joint Committee on Criminal Justice and Public Safety  
5 State House Station, Room 438  
Augusta, ME 04333

### **RE: LD 405: An Act to Define “Solitary Confinement” for the Laws Governing Jails and Correctional Facilities**

Dear Senator Beebe-Center, Representative Hasenfus, and Honorable Members of the Judiciary Committee:

The Maine Association of Criminal Defense Lawyers is a non-profit organization that has nearly 300 member attorneys who practice criminal defense across the state. Since 1992, MACDL has advocated for its members and the people we are fortunate to represent in courtrooms throughout Maine and at the State House.

We are here today to testify **in support** of LD 405. Many—far too many—of our clients have suffered immeasurably from being held in restrictive, segregated, and yes, solitary confinement in the jails and prisons across this State. In order to begin to address the abuses suffered as a result of solitary confinement, it is high-past time for Maine to agree on a definition of solitary confinement.

We must define solitary confinement so that we can move towards ending its use in Maine. Solitary confinement is used disproportionately against incarcerated people suffering from mental illness and other vulnerable people—its effects are well-known, including deepening of mental illness, post-traumatic stress syndrome, heightened risk of suicidality and more. It makes sick people sicker.

International health organizations, including the United Nations, have denounced prolonged isolation—which is the use of solitary confinement for more than 15 days—as torture. This bill would not end the practice of solitary confinement, but it would begin a process by which the terms are defined and we can begin to look at this problematic, traumatic process with clear eyes moving forward.

If enacted, this bill would define solitary confinement as the isolation of an incarcerated person for 22 hours or more within a 24-hour period. Maine currently has no definition of solitary confinement, though the Department of Corrections defines “Disciplinary Segregation Status” as “restrictive housing that separates a resident from the general population and restricts the resident to their cell for up to [22] hours per day for the safe and secure operation of the facility.” DOC also uses terms like “administrative segregation,” “restrictive housing,” and “close security.”

Maine uses the term “solitary confinement” in its laws, but again, there is no express definition of that term. This bill would remedy that omission.

DOC has dodged accountability in the past by asserting before this very Committee that Maine doesn’t employ solitary confinement—simply because that term is not defined yet by statute. Rather than derailing the debate over when and how and if Maine employs the use of solitary confinement in its jails and prisons over semantic gymnastics, this bill would finally define the term and help move the debate into the realm of productive discussion.

On behalf of our clients, thank you for your consideration, for your attention to this vitally important matter, and for allowing me to present testimony to you all today.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tina Heather Nadeau". The signature is fluid and cursive, with a large loop at the end.

Tina Heather Nadeau, Esq.  
MACDL Executive Director