

Maine PRISONER ADVOCACY Coalition



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Testimony in Opposition to LD 1651 to the Committee on Judiciary

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Senator Carney, Representative Kuhn, and distinguished members of the Committee:

My name is Peter Lehman and I live in Thomaston. I am a formerly incarcerated citizen and a person in long-term recovery.* I am testifying in opposition to LD 1651 on behalf of the Maine Prisoner Advocacy Coalition. Our goal is to promote restorative practices to increase public safety and the health of our community.

For someone who has been victimized, calling you “alleged” feels like another attack, victimizing you again, and again. It can hurt.

In the case of an assault, you do all the right things. You report it to the police, you identify the people responsible, and you expect to be supported and protected. Your world has been shaken and your very sense of yourself and your loved ones may have been shaken.

And then someone calls you “the alleged victim.” And it feels as though your integrity has been challenged, questioned, and doubted.

Hopefully, someone explains to you that you have entered into the legal world of the criminal legal system where **facts are what courts decide**. Not counselors, not prosecutors, not friends. The process of a court deciding is what we mean by “due process”—the process we are due.

And that’s why we have a criminal legal system, to discern facts and act on them. Until a Court has decided, a “crime” has not occurred, a defendant is not a “criminal,” and the alleged victim is not a “victim.” They are “alleged.”

Until that **moment**, you are a person who claims to be hurt, who says they are a victim, who alleges damage.

* In the interest of honesty and disclosure, a personal background statement is available on request.

In this sense, “victim” and “crime victim” are **technical, legal terms** that are only conferred by the findings of a Court.

And this is why we must oppose this bill.

To assert **in law** that an “alleged victim” is already a “legal victim,” is to blur the distinction between social claims and legal process. It also creates an assumption of credibility that can injure the defendant and distort all conversations about the alleged incidents and processes that have taken place.

We see this taking place routinely in your legislative hearings when “victim” is indiscriminately substituted for “alleged victim.”

Another example of this is already present in the proposed bill when it changes “alleged offense” to “offense.” **This gives the putative victim the power of a Court to decide that a crime has occurred.**

Finally, this bill can have unintended and deleterious consequences for the alleged victim who is billed by their hospital or health care professional for their forensic examination because they are only an “alleged victim” and not a “victim” as required by the legal language of the revised statute.

I submit that they would have little grounds to contest this billing—the legal language of the statute makes it clear that only adjudicated “victims” cannot be billed.

In this sense, they would also be well advised to ignore the statutory assertion that they are not required to report the offense. Or, only if they are willing to pay.

For these reasons, we urge you to defeat LD 1651.

Thank you for your attention. I will be happy to try to answer questions.