



MAINE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

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April 28, 2025

Senator Anne Beebe-Center, Chair
Representative Tavis Hasenfus, Chair
Committee on Criminal Justice and Public Safety
5 State House Station, Room 436
Augusta, ME 04333

RE: LD 1725: An Act Regarding the Membership of and Requirements for County Jail Boards of Visitors

Dear Senator Beebe-Center, Representative Hasenfus, and Members of the Committee on Criminal Justice and Public Safety:

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.

MACDL presents this testimony in **opposition** to LD 1725.

This bill would eliminate the requirement that for each board of visitors there must be a member who has knowledge specific to the incarceration of women; a member who is a woman who has been previously incarcerated and with child welfare experience with the Department of Health and Human Services; and a member with experience in the field of mental or behavioral health. The bill would also eliminate this Committee's oversight authority over such boards—making them responsive only to the county sheriffs.

We cannot overstate how important it is for a board of visitors to include people with necessary specialized knowledge and relevant insight. Women face a host of different challenges while incarcerated, including women who have been in the system and against whom DHHS has lodged petitions to remove their children. Just a few years ago, there were legislative fights to ensure that women had access to sanitary products for their menstrual cycles—this is the level of understanding we were operating from just recently. Eighty percent of incarcerated women are mothers—the vast majority of those women are primary caretakers. It is desperately important to have people with lived experience on these boards—their experience shapes the way they see the practices of jails and to help create solutions to the myriad problems our jails are facing.

In addition, the needs of our clients who struggle with their mental health—indeed, who are in mental health crisis—cannot be ignored. More and more people who are arrested for low-level or even high-level crimes have only fallen into the clutches of the criminal legal system because there is no stable in-community supports for their mental illness. We need a person who understands the realities of this to serve on the board.

Finally, as we have seen just recently, sheriffs are accountable to no one, really, except the voters in their counties. It is nearly impossible to discipline or remove a sheriff from office, even sheriffs accused of very concerning if not illegal conduct. It is important that the information gathered and recommendations made by the boards of visitors have a direct pipeline to this committee. Section 3 of this bill would no longer mandate the appearance of a board of visitors before this Committee: it is important for this Committee to hear from those who have the most intimate and updated knowledge of the jails they observe.

This bill is yet another example of legislation being pushed just after new legislation is passed—a belated and unnecessary attempt to undo the good and thoughtful work of previous legislatures.

We urge this Committee to vote **ought not to pass** on LD 1725.

Thank you for your consideration, for your attention to this important matter, and for allowing me to present this testimony to you all today.

Sincerely,

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

Tina H. Nadeau, Esq.
MACDL Executive Director