

**TESTIMONY OF JEFFREY NEIL YOUNG, ESQ.
IN SUPPORT OF LD 2106,
An Act to Prohibit the Disclosure of Nonpublic Records Without Proper Judicial Review**

My name is Jeffrey Neil Young. I am an attorney who has been in practice for almost 45 years, almost the last 40 here in Maine. I am the principal in Solidarity Law, PLLC where I focus on representation of employees, including unions and their members, in labor and employment disputes. Many of the unions which I represent, including but not only the Maine Service Employees Association and the Maine Education Association, have collective bargaining agreements with educational institutions and hospitals. In addition, many of the individual workers whom I represent in civil rights matter work for such entities as well as in childcare and public library settings. And, from time to time, I also have represented students who have been subject to harassment by their peers at school.

Although ICE claims that it is here in Maine to promote public safety by arresting and deporting “the worst of the worst,” the reality appears to be far different. Instead, individuals who are here in Maine legally, some of whom are US citizens and others who are here legally on work permits and/or seeking asylum, are being detained and arrested apparently based on the color of their skin or the language that they speak. Engineers, students, even correctional officers, have been detained and/or arrested with no criminal record. Their only crime is that like me and most of the members of this Committee and the Legislature, they are not white.

The upshot of these targeted, but indiscriminate detentions and arrests, is that students of color are afraid to go to school and institutions of higher education, parents are afraid to drive students to school, workers of color are afraid to go to work, and people who are ill and require health care services at hospitals are foregoing treatment. What this means is that tomorrow’s leaders and workers are not receiving the education they need; businesses are having to close because of inadequate staffing; the sick and frail undoubtedly are suffering prolonged illness if not dying; and the risk of disease and epidemic that would be devastating to Maine’s economy.

Under longstanding judicial precedent interpreting the 4th Amendment, before an officer can enter a private home, consent or a judicial warrant is required. The same is true of a commercial enterprise, though the standard is lower; public spaces may be entered, but private areas and records cannot be searched without consent or a judicial warrant. Recently, however, ICE has ignored longstanding precedent and claims that only consent or an administrative warrant (as opposed to a judicial warrant) is needed.

LD 2106 would assure that consent cannot be given to enter and search schools, hospitals, childcare providers, and public libraries, all of which are used by everyone, including those being racially profiled by ICE. While it doesn’t—and cannot—address ICE’s novel interpretation of who can issue a warrant for search and seizure under the 4th amendment, it does assure that students, workers, and the public will be safe from claims that consent was provided to enter schools, worksites, and libraries. For that reason, I strongly support the passage of LD 2106.