



Testimony of Lucia Hunt, Esq.
Pine Tree Legal Assistance, Inc.

Speaking in Support of LD 2163

An Act to Improve the Response to Complaints by Victims of Crime and Enhance Victims' Rights

Date of Public Hearing: January 29th, 2026

Senator Carney, Representative Kuhn, and members of the Joint Standing Committee on Judiciary:

My name is Lucia Hunt. I am the directing attorney of Family Law and Victim Rights Unit at Pine Tree Legal Assistance, Inc., and I am speaking to you today in support of LD 2163, An Act to Improve the Response to Complaints by Victims of Crime and Enhance Victims' Rights.

I have been asked to share the perspective of Pine Tree Legal Assistance on these issues and I am speaking today on behalf of Pine Tree Legal Assistance (Pine Tree). Pine Tree is a nonprofit organization with offices in Portland, Lewiston, Augusta, Bangor, Machias, and Presque Isle. Since 1967, Pine Tree has provided free legal services to low-income people throughout the State of Maine.

Attorneys in Pine Tree's statewide Family Law and Victim Rights unit represent survivors of domestic violence, sexual assault, and stalking. We receive funding that supports some of this work through the Victims of Crime Act (VOCA) and through state funding that this committee supported to fill the imminent gap in federal funds from that source.

Victim Rights Complaint Process

Although we focus on civil legal representation, our clients are primarily victims of crime. Survivors are often involved in several different systems at the same time- for example, a protection order filed by the survivor may be litigated while a criminal case arising out of the same circumstances is pending. Understandably, this can lead to confusion for a survivor. We often hear about the survivor's experience of the criminal case while representing them in a civil legal matter.

A survivor's role in the criminal case is often more limited than they expect that it will be. The timeline and process can seem opaque and may not lead to a result that they consider just. In some cases, survivors do not feel that their rights were appropriately addressed. **The creation of a centralized process for crime victims to express these concerns is important for individual victims of crimes but also to identify any patterns and address those issues systemically.** This

bill will improve the overall response to crime victims by creating a process for receiving and responding to their concerns.

Right to Notice and Opportunity to be Heard Regarding Subpoenas of Victim Records

In addition to our civil legal representation, Pine Tree attorneys also have a limited role representing some victims of crime in criminal cases. We receive referrals from victim witness advocates, district attorneys, and the attorney general's office when a crime victim's information is subpoenaed as part of a criminal case. In the cases we've handled, these subpoenas most often include requests for medical records, mental health treatment records, or cell phone records. The requests are often broad, asking for records that are comprehensive and span a significant period of time.

For example, one subpoena for cell phone records of a sexual assault survivor went back three years and included every phone call and text message she had sent. Another subpoena was for all the notes from a sexual assault survivor's therapist who had treated her for many years, including work that addressed childhood trauma. Another subpoena required disclosure of a domestic violence survivor's medical records beyond those related to the crime in question.

There are often legal objections that a crime victim might assert to quash or limit such a subpoena to protect privileged information, or to ensure that the subpoena is narrowly tailored to address only the issues in dispute. Sometimes, the crime victim is not aware of the subpoena or of the possible objections. In some cases where we have represented victims who wish to quash or modify a subpoena issued for their records, determinations about these issues have already been made by the court by the time a victim becomes aware of the issue and retains counsel. **This bill would help address those gaps and ensure that victims have timely notice and the opportunity to be heard when a subpoena is issued for any record about or concerning that victim.**

Thank you to Representative Gramlich for introducing this important legislation. I urge this committee to pass LD 2163 because it will ensure victims have a fair and responsive way to address concerns about their rights, and ensure notice and the opportunity to address subpoenas for their records. I am happy to attempt to answer any questions.