

Testimony in Support of LD 2176

An Act to Create a Right to Judicial Review Under the Maine Civil Rights Act for Persons Erroneously Detained

Public Hearing: February 10th, 1:00 PM Judiciary Committee

Sponsor: Senator Duson

Senator Carney, Representative Meyer, and esteemed members of the Judiciary Committee:

My name is Ruben Torres, and I serve as the Advocacy and Policy Manager for the Maine Immigrants' Rights Coalition (MIRC). MIRC is a statewide coalition of more than 100 organizations, including immigrant-led groups, legal service providers, and direct service agencies. Together, we work to improve the economic and social standing of Maine's immigrant communities, recognizing that stable families and fair legal systems strengthen Maine's workforce, public safety, and local economies. We are here today in support of LD 2176.

LD 2176 as amended clarifies that when a Maine court determines that an individual has been unlawfully deprived of their liberty, that determination carries meaningful weight under the Maine Civil Rights Act. The writ of habeas corpus is one of the oldest safeguards in our legal system. It exists to ensure that no person is detained without lawful authority. When a Maine court issues such a writ, it has already determined that the deprivation of liberty was improper. Aligning that determination with the Maine Civil Rights Act strengthens accountability and ensures that the protection of personal liberty is fully reflected in our civil rights framework.

Our members work with families who are experiencing the cascading consequences of detention. Even short periods of unlawful detention can result in lost employment, housing instability, financial crisis, and trauma for children and spouses. In mixed-status households, including those with United States citizen children, the impact of a detention reverberates far beyond the individual detained.

When liberty is wrongfully restricted, the harm is immediate and concrete. LD 2176 recognizes that harm and ensures that individuals who have already secured relief from a court can pursue an appropriate civil remedy.

The bill also acknowledges the practical barriers individuals face in seeking judicial review. There is no guaranteed right to government-appointed counsel in immigration proceedings, including for individuals in detention. Immigration law is complex, and representation is often financially out of reach. Supporting experienced civil legal service providers helps ensure that individuals who have been wrongfully detained are able to access the courts and vindicate their rights in a timely manner.

Accountability, access to review, and meaningful remedies are stabilizing elements of any legal system. They promote public confidence, protect families from unnecessary disruption, and reinforce the rule of law.

For these reasons, MIRC respectfully urges the Committee to support LD 2176. Thank you for your time and consideration.