

Maine PRISONER ADVOCACY Coalition



April 19, 2023

Greetings Senator Carney, Representative Moonen and Honorable Members of the Judiciary Committee

My name is Jan Collins, I am assistant director of Maine Prisoner Advocacy Coalition. I am here in support of LD 1603 An Act to Implement the Recommendations of the Committee to Ensure Constitutionally Adequate Counsel.

MPAC's mission is to support Maine's incarcerated citizens, their families, and friends, in their struggle with Maine's criminal justice system. Our purpose is to reduce Maine's use of incarceration by creating a criminal justice system that is ethical, humane, and restorative in nature.

First I would like to thank the Committee to Ensure Constitutionally Adequate Counsel for their thoughtful deliberations last summer and fall and for this bill, the product of those hearings.

The composers of the Bill of Rights were informed by their experiences under the excesses of British rule and the trampling of legal rights during the revolution. Their experiences led them to ensure a fair legal system. It is our responsibility to make sure those protections are not eroded.

The hearings last year revealed the lack of policies, training, and guardrails that led to an unprecedented number of privileged attorney client phone calls being recorded and sometimes listened to by jail staff and even prosecuting attorneys.

Franklin County, where I serve on the Board of Visitors for the County Jail, was among them. Although the investigating reporter who revealed the story only covered a few counties, the recording of phone calls is likely not limited to those counties.

Granting that most, if not all of these recordings may have been inadvertent, the number of times that these violations occurred showed a lack of vigor in protecting the rights guaranteed by the constitution.

This bill requires that policies be established for all facilities, that staff be trained in those policies, and that lists of protected phone numbers be readily available and consulted.

Most importantly it places into law consequences for the recording of conversations that the individual should have known were protected.

This bill is essential to safe guarding the rights of the accused and the protections provided by the Bill of Rights.

I urge you to support passage of LD 1603 An Act to Implement the Recommendations of the Committee to Ensure Constitutionally Adequate Counsel.

Thank-you for your consideration.

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