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***Testimony in Support of LD 2210, An Act to Establish a Civil Rights Unit and a Civil Rights Review Panel Within the Office of the Attorney General and Require Ongoing Enhanced Civil Rights Training for Civil Rights Officers***

Senator Carney, Representative Moonen, and honorable members of the Joint Standing Committee on Judiciary, my name is Aaron Frey, I live in Bangor, and I have the privilege to serve as Maine's Attorney General. I am here today to testify in support of L.D. 2210, *An Act to Establish a Civil Rights Unit and a Civil Rights Review Panel Within the Office of the Attorney General and Require Ongoing Enhanced Civil Rights Training for Civil Rights Officers*.

The Office of the Attorney General exercises jurisdiction over enforcement of the Maine Civil Rights Act, which allows the Office to seek a civil injunction if a person interferes in the exercise of any other person's civil rights by physical force or threat of physical force, property damage or threat of property damage, and most recently added, engaging in conduct that would cause a reasonable person to suffer emotional distress or fear of death or bodily injury. The Office receives complaints via local law enforcement agencies with whom we collaborate to investigate cases involving potential violations. Last year, the Office received 90 complaints. In the vast majority of these, a suspect could not be identified or the conduct, while reprehensible, was protected by the First Amendment. The Office was able to secure injunctions in 5 of these cases.

Civil rights enforcement in the Office is largely pursued by a handful of staff, all of whom do this work in addition to their regular duties. Currently three attorneys, one investigator, and occasional help from administrative support staff, process referrals, work with law enforcement agencies to complete investigations, fill in any missing gaps in reporting, reach out to victims and finally, complete any legal work necessary to bring a successful case. The Office does this even though no specific resource has been provided for enforcement of the Maine Civil Rights Act. While I can confidently say that the lack of dedicated staff has not hindered our ability to prioritize this work, the creation of a properly resourced Civil Rights Unit would elevate this important work, allow for better engagement and education for the public, raise the visibility of the Office as a resource, and signal the State's continued commitment to protecting the civil rights of all Mainers.

Section 2 of the bill would create a Civil Rights Review Panel. In order to be effective, it should be properly resourced to fulfill the robust charge it is being given. We have a couple of observations. First, while the bill contemplates that the Panel's work would be done in public,

the investigative documents the Panel would need to review are generally confidential. This would likely prevent the Panel from receiving the materials it needs to do its work or expose confidential records to impermissible public exposure. Consideration should be given to expressly authorizing the Panel to receive confidential documents and requiring the Panel to conduct its proceedings in a manner that will preserve the confidentiality of those documents. A second consideration is that it is not clear whether the proposed Panel is structured properly. It is likely that a majority of the Panel's members will not be attorneys and assessing whether the necessary elements of a civil rights claim have been satisfied can be complicated. It may be more appropriate to have the Civil Rights Unit, in its annual report, provide information regarding the extent to which the complaints it received alleged violations of the Maine Civil Rights Act.

Thank you for your attention. My Office is available to answer questions and work with the sponsor and the Committee on this proposal.