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THE MAINE SENATE
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Testimony of Senator Nicole Grohoski in support of
**LD 2150, An Act to Establish Procedures for Restricting Access to State Property,
Access to State Services and Communication with or Through State Entities**
Before the Committee on Judiciary
January 29, 2026

Senator Carney, Representative Kuhn, and distinguished members of the Judiciary Committee: my name is Nicole Grohoski, and I am honored to represent the 22 communities of Senate District 7. Thank you for the opportunity to present LD 2150, “An Act to Establish Procedures for Restricting Access to State Property, Access to State Services and Communication with or Through State Entities.”

Misleading title aside, this bill does one very important thing – establish due process where there currently is none.

LD 2150 seeks to strike a careful and necessary balance between the safety and order of our public institutions and the fundamental due process rights of the individuals who interact with them. Specifically, it would ensure that when a person is issued a no trespass order by a state government entity that restricts their access to public, state property—such as the State House or a Department of Health and Human Services office—they have a clear, fair, and timely process to understand, contest, and potentially resolve that order. U.S. Constitutional case law provides for due process, but Maine law does not delineate what exactly that should look like.¹

Currently, a State Police officer serving the Capitol or other law enforcement entity may issue a no trespass order preventing someone from entering a public facility. This tool is intended for use in situations involving threats or repeated disruption, but the legal and procedural framework governing these orders in Maine lacks the overt due process protections we typically expect and should ensure in government actions that significantly affect someone’s rights.

According to information I received from the Maine Capitol Police last year, no trespass orders are not issued in the Capitol Region frequently, though other law enforcement agencies may

¹ <https://www.aclu.org/en/know-your-rights/know-your-rights-no-trespass-orders-public-property>

serve them for state buildings elsewhere in the state. In 2024, 5 such orders were issued. In 2023, 11 were issued. In 2022, 5 were issued.

Although the frequency is low, the impact on an individual can be significant. These orders may prohibit someone from accessing essential public services – whether applying for benefits, attending a public hearing, or utilizing public resources such as the State or Law Libraries. In some cases, a person may not even understand the reason for the order, have an opportunity to respond, or know how to contest it.

I have sponsored this bill because that is exactly what happened to a constituent of mine, whom I will call Jane, to protect her identity. Jane was a DHHS caseworker, and about two years ago, DHHS took her child because of an accusation made against her then-partner. Jane knew how serious the accusation was and had immediately removed herself from the situation and cut off the child's contact with the accused. Despite her proactive actions, DHHS removed Jane's baby and served her with a no trespass order prohibiting her from entering DHHS properties. Jane inquired with DHHS and Capitol Police to find out why she was subject to a no trespass order, and neither gave her a reason.

Due to the fear of retaliation from DHHS, Jane decided not to push back on the no trespass order. We have since learned that she had every right to do so, despite the lack of an obvious process for her to follow. Because Jane could not enter DHHS properties, she had to meet with caseworkers over the internet or at her house, which I believe affected how long it took for her to regain custody of her child. Furthermore, I requested a meeting with DHHS leadership, who then invited both of us to meet at the Augusta DHHS building, in clear violation of the agency's no trespass order. This was very unsettling for Jane, who didn't want to be arrested for merely meeting with state employees, at their invitation, about her baby. Jane – and other Mainers with similar DHHS experiences she has connected with – inspired me to introduce this legislation.

This bill aims to establish clear and consistent due process for any no trespass order (or similar type of notice restricting access) that is issued on a state property where the public accesses services and has a reasonable expectation of entry. The process proposed is as follows:

- A State entity issues a no trespass order (or similar instrument) that restricts a person's access to State property, services, or communications.
 - No change from current law / practice.
- The order must include the factual basis for the restriction and be provided to the restricted person.
 - This is not currently required under the law, but I understand it has recently become part of the State Police's policy.
- The order may be for a period of no more than 90 days.
 - There is no specific maximum number of days in current law, but it is common for these orders to be in place for a year.

- If the State entity seeks to extend or renew the order beyond 90 days, the State entity must bring the matter to the court.
 - A restricted person can currently challenge a no trespass order in court, if they have the resources and know-how. This provision shifts the burden so that the State must seek the court's approval to continue to restrict a person's access. Thus, the burden is on the State to prove the necessity of restricting someone's Constitutional rights, not the other way around.
- The District Court follows the existing "protection from harassment" process in Title 5, Chapter 337-A to determine if the State has a compelling reason to continue the restriction. The bill requires the court to prioritize other protection from harassment complaints in its docket, so that life-and-death matters are dealt with first.

I reviewed several existing legal mechanisms that provide due process in other circumstances. Utilizing the existing "protection from harassment" statute seemed like the most straightforward way to ensure due process without creating another similar process for the relatively rare but critically important instances in which it would be used.

Based on the results of an NCSL (National Conference of State Legislatures) research request, it appears that many states rely on case law and the courts to determine whether due process has been violated regarding a person's access to public property and services. I think that establishing a clear process for issuing and contesting no trespass orders that puts the burden on the State would help constituents who do not have easy access to legal representation better understand and protect their Constitutional rights.

These are modest, reasonable safeguards rooted in fundamental constitutional principles. As the ACLU of Massachusetts has emphasized in its guidance on no trespass orders and public property (link footnoted above), government officials may not arbitrarily deny people access to public property that is open to the public. Restrictions must be viewpoint-neutral, narrowly tailored, and include a mechanism for meaningful review. When we fail to offer a consistent process for contesting such orders, we risk denying individuals access to democratic participation, essential services, or even the ability to seek redress.

Importantly, this bill does not seek to eliminate or overly constrain the ability of law enforcement or state officials to maintain safety. It simply ensures that when the government excludes someone from being able to exercise their rights, the decision is transparent, justifiable, and subject to review.

In short, LD 2150 is not just about process—it's about fairness, accountability, and upholding public trust in our institutions.

Thank you for your time and consideration of this bill and my testimony. I'd be happy to answer any questions the Committee may have.