



Janet T. Mills  
Governor

Michael J. Sauschuck  
Commissioner

STATE OF MAINE  
*Department of Public Safety*  
**MAINE STATE POLICE**

45 Commerce Drive - Suite 1  
Augusta, Maine 04333



William Ross  
Colonel

LTC. Brian P. Scott  
Deputy Chief

Testimony of Major Tyler Stevenson  
Maine State Police

**In Opposition of (2150)**

An Act to Establish Procedures for Restricting Access to State Property, Access to State Services and Communication with or Through State Entities.

Sponsored by Senator Grohoski  
Committee on Judiciary

**Senator Carney, Representative Kuhn, and honorable members of the Committee on Judiciary:**

My name is Major Tyler Stevenson, and I am providing testimony on behalf of the Maine State Police and the Maine Department of Public Safety in opposition to LD 2150 as written, "*An Act to Establish Procedures for Restricting Access to State Property, Access to State Services, and Communication with or Through State Entities.*"

This bill seeks to prohibit a state entity from issuing a no-trespassing order that restricts a person's access to state property for more than 90 days and would require that any 90-day trespass order includes the reason for its issuance. If it is determined that the restriction should extend beyond 90 days, the bill would require the State Police to petition a District Court for a Protection from Harassment Order to prevent the person from entering state property.

In 2002, in *State of Maine v. Mark Anthony*, the Maine Supreme Court established that the lawfulness of a no-trespassing order hinges on two factors: whether the premises are open to the public, and whether the order is justified. Developed with this in mind, the current no-trespassing procedure used by the Capitol Police is to investigate the complaint, determine whether the individual has a right to be on the property, and, if so, whether their conduct justifies a no-trespassing order. When an order is warranted, it is provided in writing, and the individual is given a phone number to contact if state services are needed. The order is in effect for one year. If the individual believes the order is not warranted, they have the ability to file a complaint with Capitol Police leadership. This process is common practice among law enforcement agencies throughout the state and is an effective means of stopping criminal behavior without resorting to criminal charges. We feel this approach appropriately balances the rights of individuals to interact with their government and the rights of public employees to feel safe while providing a public service.

Over the past five years, the Capitol Police have issued 22 no-trespassing orders for state facilities. None of these orders required extension beyond the one-year period. During the same time frame, Capitol Police records show

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that five arrests were made for trespassing after an order was violated, most occurring within a few days of the order being issued.

The primary focus of our opposition to this bill is the requirement that the State Police seek a Protection from Harassment Order if it is deemed necessary to extend a no-trespassing order beyond 90 days. The Protection from Harassment process has historically been initiated by an individual victim or a business, not by the State of Maine. We foresee significant procedural concerns, including who would represent the State Police in court, whether the State Police could serve as the plaintiff on behalf of an individual who was threatened or harassed, or whether the State Police could act as the plaintiff on behalf of another state agency requesting a no-trespassing order.

We also have concerns that a Protection from Harassment Order is not applicable in all situations where a no-trespassing order may be appropriate. Harassment is defined as "three or more acts of intimidation, confrontation, physical force, or the threat of physical force directed against any person, family, or business, made with the intention of causing fear, intimidation, or damage to personal property, and that do in fact cause fear, intimidation, or damage to personal property." There are numerous circumstances in which a trespass notice may be justified but does not meet this definition. Over the past five years, several orders were issued to individuals attempting to live inside state facilities. Other examples include a single act of intimidation or physical force, such as an assault, where a trespass notice is appropriate but does not meet the legal threshold for harassment, or instances involving intoxicated and disorderly individuals in the parking lots of state facilities. There are many legitimate situations where a no-trespassing order is warranted but a Protection from Harassment Order would not be legally appropriate.

We recognize the importance of public access to state facilities and the programs and services they provide. The Capitol Police and the Maine State Police are committed to ensuring that the people of Maine have access to state services. While we believe the current system is effective, we acknowledge that improvements can always be made, and we remain committed to continuous improvement.

On behalf of the State Police and the Department of Public Safety, we appreciate your careful consideration of these issues. Thank you for your time and I would be happy to answer any questions at this time.

Respectfully,

Major Tyler Stevenson