



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF CORRECTIONS
111 STATE HOUSE STATION
AUGUSTA MAINE
04333-0111

RANDALL A. LIBERTY
COMMISSIONER

TESTIMONY OF

JILL O'BRIEN, DIRECTOR OF GOVERNMENT AFFAIRS MAINE DEPARTMENT OF CORRECTIONS

January 29, 2025

In Opposition to:

LD 2150, An Act to Establish Procedures for Restricting Access to State Property, Access to State Services and Communication with or Through State Entities

Senator Carney, Representative Kuhn, and distinguished members of the Judiciary Committee, my name is Jill O'Brien, and I am the Director of Government Affairs for the Maine Department of Corrections.

I am testifying today in opposition to LD 2150, An Act to Establish Procedures for Restricting Access to State Property, Access to State Services and Communication with or Through State Entities.

While this bill attempts to protect the public's right to access State property, the bill is overly broad. It would cover the situation of someone prohibited from visiting Maine State Prison after having been found trying to bring drugs into the prison. Presently, MDOC's visitation policy permits the Chief Administrative Officer of the facility to exclude that person from the facility for trying to bring in drugs. The Chief Administrative Officer may, in writing, impose a definite or indefinite restriction on a visitor for that kind of activity, or for any activity that threatens the safety, security, or orderly management of the facility. The visitor may request reinstatement of full visiting privileges by writing to the Chief Administrative Officer. This authority is necessary for the Chief Administrative Officers to safely and effectively manage the facilities.

It is important that MDOC retain the ability to prohibit visitors that traffic drugs. In the last year, more than a dozen Maine State Prison residents had to be taken to the hospital after overdosing on substances smuggled into the prison. The onus should not be on MDOC to prove in a judicial proceeding that people bringing in drugs or other contraband are "harassing" MDOC before stopping those visitors from bringing in drugs and contraband.

Nor does it make sense that MDOC would have to rely on the State Police to go to Court on behalf of MDOC, as written in the bill. Each agency should represent itself, rather than all agencies relying on the State Police for legal assistance.

There will also be a cost associated for attorneys and the courts involved in these proceedings.

Finally, the language that a state agency cannot restrict communication "through the entity" is also vague. Presumably, this would apply to MDOC restricting residents from communicating with victims or others for whom prison residents have no-contact orders. If such communication is considered to be "through the entity," then this bill would interfere with criminal and child protection laws regarding contact between prison residents and victims and other prohibited persons.

If there were a situation in which a citizen believes they are wrongfully denied access to a building, they could pursue a remedy in court, such as through Me. R. Civ. P. 80(C), which allows someone affected by a final agency action to challenge that action in court.

Thus, I urge you to vote Ought Not to Pass on LD 2150. I am happy to answer any questions. Thank you.

Jill O'Brien
Director of Government Affairs, Maine Department of Corrections