



Jill C. Duson  
Senator, District 27  
Assistant Majority Leader

THE MAINE SENATE  
132nd Legislature

3 State House Station  
Augusta, Maine 04333

*Testimony of Senator Jill C. Duson presenting*  
**LD 2176, An Act to Create a Right to Judicial Review Under the Maine Civil Rights Act for  
Persons Erroneously Detained**  
*Before the Joint Standing Committee on the Judiciary*

February 10, 2026

Good afternoon, Senator Carney, Representative Kuhn and esteemed members of the Judiciary Committee. My name is Jill Duson, I am the State Senator from District 27, which includes part of Portland and part of Westbrook. I'm also honored to serve as the Senate Assistant Majority Leader. Thank you for the opportunity to present LD 2176, An Act to Create a Right to Judicial Review Under the Maine Civil Rights Act for Persons Erroneously Detained. I've also distributed a sponsor's amendment along with my testimony, which is a strike and replace amendment.

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness." Life. Liberty. Pursuit of Happiness. These words are familiar. These are the aspirational words of a fledgling nation now celebrating the 250th anniversary of her independence. "**Inalienable**", "incapable of being alienated, surrendered or transferred."

On their face, the tactics we've seen used by federal immigration authorities in their "enhanced" enforcement operations, both in Maine and across the nation, breach the promise and spirit of our **inalienable** rights.

The first part of the bill would make clear that a person deprived of their right to liberty in the course of an unlawful immigration detention, can seek remedies, including attorney fees, under the Maine Civil Rights Act. The simple concept we propose is that there should be consequences for bad behavior.

The second part of the bill is intended to provide additional funding for emergency civil legal services for detention review for indigent clients. This one-time appropriation is a modest investment in protecting the rights and liberties of our most vulnerable neighbors.

Masked, unidentified agents, roaming the streets in unmarked, heavily tinted vehicles, showing up at doorsteps, breaking car windows and forcing Maine residents into SUVs with no judicial warrant. Families are being separated and our communities are left rattled by this lawlessness.

This is not law enforcement targeting the "worst of the worst". This is a fear campaign intent on intimidation and depriving people of their liberties. The law of the land is clear. The Fifth Amendment entitles us all to due process of law even in the course of immigration proceedings.



Jill C. Duson  
Senator, District 27  
Assistant Majority Leader

THE MAINE SENATE  
132nd Legislature

3 State House Station  
Augusta, Maine 04333

We know what good law enforcement looks like, we've seen it in action with our local police, county sheriffs and state police – who serve with professionalism and respect in Maine every day. As the Cumberland County Sheriff said recently, this is “bush-league policing.”

As a member of the Portland City Council, I helped craft and implement the long-standing city ordinances that strike the balance between public safety and respecting civil liberties. This bill seeks to strike that same balance statewide. **It is not an attempt to undermine or abolish any law enforcement agencies.** This is a bill to affirm that law enforcement officers must conduct themselves within Maine Law. When law enforcement does not and they intentionally deploy tactics that are not lawful, residents must have a legal recourse to assert their inalienable right to liberty.

Recently, in my own neighborhood, a resident was surrounded by federal agents, removed from his car and detained. Agents took the resident away into an unmarked vehicle, leaving his car running in a busy intersection.

These actions have left my constituents worried if they might be the next target of the federal government's unchecked “enhanced” enforcement actions.

These actions are so chaotic and messy that we don't even know who is being disappeared. Families are left wondering why their spouses, children and loved ones didn't make it home. Even one instance of these unlawful detentions is enough to strike fear, even terror, into our otherwise peaceful and loving city.

Community members ask me what it is that they can do to restore the character of our democracy. In the face of government-deployed terror, the Attorney General can litigate, and you and I can legislate.

So I am here before you today, to offer LD 2176. The spirit of this legislation is to:

- 1.) Ensure federal law enforcement plays by the rules
- 2.) Affirm that there are ~~offer~~ consequences when they do not and
- 3.) Provide a specific path to remedies to hold bad actors, government or otherwise, accountable.

I fell in love with this democracy in my eleventh-grade civics class. I was inspired to the law by the aspirational words of our founding fathers. When asked if they had created a republic or a monarchy, Benjamin Franklin replied, “a republic, if you can keep it.” With this bill, I am asking that we act, so we can keep it. This bill challenges us to come together to keep our liberties and democracy.

I thank the Committee for your careful attention to this matter and the discussion around this bill. LD 2176 is an opportunity to take a meaningful stand against deprivation of liberties and increase access to justice for Maine residents. For our neighbors and residents who have been unlawfully detained, their families and Maine residents living each day in fear, I urge this committee to support LD 2176. I appreciate the opportunity to present this bill and I would be happy to answer any questions you may have.

Sen. Dixon

132nd Maine Legislature

An Act to Create a Right to Judicial Review Under the Maine Civil Rights Act for Persons Erroneously Detained

L.D. 2176

## An Act to Create a Right to Judicial Review Under the Maine Civil Rights Act for Persons Erroneously Detained

Be it enacted by the People of the State of Maine as follows:

**Sec. 1. 5 MRSA §4681, sub-§1, ¶A**, as enacted by PL 2023, c. 287, §1, is amended to read:

A. Violates section 4684□B; or

**Sec. 2. 5 MRSA §4681, sub-§1, ¶B**, as enacted by PL 2023, c. 287, §1, is amended by amending subparagraph (5) to read:

(5) Engaging in any conduct that would cause a reasonable person to suffer emotional distress or to fear death or bodily injury to that person or to a close relation. For purposes of this subparagraph, "close relation" and "emotional distress" have the same meanings as in Title 17□A, section 210□A, subsection 2, paragraph B and paragraph D, respectively; or

**Sec. 3. 5 MRSA §4681, sub-§1, ¶C** is enacted to read:

C. Unlawfully deprives another person of personal liberty. when the Supreme Judicial Court or Superior Court enters a judgment issuing a writ of habeas corpus pursuant to Title 14, section 5514.

**Sec. 4. 5 MRSA §4682, sub-§1-A, ¶A**, as enacted by PL 2023, c. 287, §2, is amended to read:

A. Violates section 4684□B; or

**Sec. 5. 5 MRSA §4682, sub-§1-A, ¶B**, as enacted by PL 2023, c. 287, §2, is amended by amending subparagraph (5) to read:

(5) Engaging in any conduct that would cause a reasonable person to suffer emotional distress or to fear death or bodily injury to that person or to a close relation. For purposes of this subparagraph, "close relation" and "emotional distress" have the same meanings as in Title 17□A, section 210□A, subsection 2, paragraph B and paragraph D, respectively; or

**Sec. 6. 5 MRSA §4682, sub-§1-A, ¶C** is enacted to read:

C. Unlawfully deprives another person of personal liberty. when the Supreme Judicial Court or Superior Court enters a judgment issuing a writ of habeas corpus pursuant to Title 14, section 5514.

**Sec. 7. ~~5 MRSA §4684-D~~** is enacted to read:

### **§4684-D. Right of habeas corpus**

For purposes of this chapter, it is a violation of this chapter for a person to deprive another person of personal liberty. A judgment issuing a writ of habeas corpus pursuant to Title 14, section 5514 creates a presumption that the aggrieved person has been deprived of personal liberty.

**Sec. 8. ~~14 MRSA §5538, first ¶~~** is amended to read:

No ~~A~~ penalty established by this chapter shall ~~does not~~ bar any action at common law for damages for false imprisonment or for damages related to a writ of habeas corpus pursuant to the Maine Civil Rights Act.

### **Sec. 7. Maine Civil Legal Services Fund Z367**

Initiative: Provides one-time funding for civil legal services for persons unable to afford a lawyer by providing additional funds available for distribution by the Civil Legal Services Fund Commission pursuant to the Maine Revised Statutes, Title 4, section 18-A, subsection 1.

132nd Maine Legislature

An Act to Create a Right to Judicial Review Under the Maine Civil Rights Act for Persons Erroneously Detained  
L.D. 2176

<b>GENERAL FUND</b>	<b>2025-26</b>	<b>2026-27</b>
All Other	\$0	\$2,000,000

<b>GENERAL FUND TOTAL</b>	<u>\$0</u>	<u>\$2,000,000</u>
---------------------------	------------	--------------------

**MAINE CIVIL LEGAL SERVICES FUND Z367**

**PROGRAM SUMMARY**

<b>GENERAL FUND</b>	<b>2025-26</b>	<b>2026-27</b>
All Other	\$0	\$2,000,000

<b>GENERAL FUND TOTAL</b>	<u>\$0</u>	<u>\$2,000,000</u>
---------------------------	------------	--------------------

**SUMMARY**

This bill clarifies that it is a violation of a person's civil rights to be deprived of their personal liberty. The bill also adds \$2,000,000 to the Civil Legal Services Fund.