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TESTIMONY OF

**JILL O'BRIEN, DIRECTOR OF GOVERNMENT AFFAIRS
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February 10, 2025

Neither For Nor Against:

**LD 2176, An Act to Create a Right to Judicial Review Under the Maine Civil Rights Act
for Persons Erroneously Detained**

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

I am providing testimony today neither for nor against LD 2176, An Act to Create a Right to Judicial Review Under the Maine Civil Rights Act for Persons Erroneously Detained.

The February 6, 2026 Amendment to the bill appears to seek to target unlawful immigration detention, based on the funding for legal service providers in Section 7.

The amendment creates a way for an individual to sue the State (creating a legal cause of action in 5 MRS § 4682) when there has been any "unlawful deprivation of personal liberty," not just unlawful immigration detention.

The term "unlawful deprivation of personal liberty" is not defined. It is unclear what a "deprivation of personal liberty" is and who would be determining if it was unlawful. It is not clear if "deprivation of personal liberty" is limited to someone detained or arrested, or if it would also apply to someone already serving a sentence in prison or jail.

It is also not clear if "deprivation of personal liberty" would apply to someone already in prison whose privileges may be restricted as a matter of discipline.

I am happy to answer any questions. Thank you.

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