

Testimony for the 130th Session of the Maine Legislature

Joint Committee for Criminal Justice and Public Safety

Public Hearing: March 24, 2021

In favor of L.D. 661

An Act to Ensure Equity in Petitions of Rulemaking under the Maine Administrative Procedure Act.

Chairpersons Senator Deschambault and Representative Warren and Members of the Committee, my name is Suzanne Rudalevige living in Cape Elizabeth. I am testifying on behalf of the Anti-Racist Policy Committee of the HopeGateWay United Methodist Church, Portland.

I worked with prisoners for decades – as both an attorney and as a volunteer in various capacities.

I know from my experience that we imprison mostly the poor and those of color, the majority of whom have started out with the cards of life stacked against them. Some never overcome the barriers they encountered and some are amazingly successful in turning their life around. The path to success often depends on the support and encouragement they receive to take charge of changing their lives.

Prisons are not known for providing positive support; they are set up for security with control as the touchstone; prison life is isolating, demeaning and often violent; personal encouragement and affirmation of prisoners as human beings is not an institutional value.

This LD confronts this total power imbalance and proposes that since prisoners are in fact full human beings, they can be permitted to some of the self-governance that free citizens enjoy, as described in Title 5 MRSA para 8055 subsection 3 where 150 citizens can require an agency to follow rulemaking procedures. I hope you will not be swept away with the thought that security would necessarily break down if this LD became law. Prison security and input from prisoners do not need to be antithetical.

This is a small affirmation of self-determination to give prisoners a constructive way to speak up within the system. It does not propose that prisoners make up their own rules for prison life but does offer them the possibility of asking for change in a rule or regulation that already exists. This would be an opportunity to think through an unwelcome rule to find a consensus that the prisoners agree is more livable. I do not believe that consensus is an easy thing in a prison setting.

Prisoners do not lose all their rights at the prison door: I encourage you to recommend this LD be given at least a pilot trial to see how it would work in practice.

Thank you. I am happy to answer questions.