Testimony 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 Committee on Judiciary, my name is Montana Towers, and I am a policy analyst at Maine Policy Institute, a nonprofit, nonpartisan organization that works to advance individual liberty and economic freedom in Maine. Thank you for the opportunity to submit testimony in opposition to LD 2150.

While we recognize the Legislature's intent to address a specific and challenging individual circumstance that served as the impetus for LD 1958, Maine Policy Institute remains concerned that this bill in its current form goes further by codifying new statutory language with broader and lasting implications. In attempting to resolve a particular case, LD 2150 establishes a framework that could create unintended consequences, introduce new ambiguities, and raise constitutional concerns when applied more broadly across state agencies and future situations.

Due Process Still Needs Reinforcement

LD 2150 allows a state entity to impose a 90-day restriction on a person's access to public property or services based solely on a notice or communication. Codifying such a regime without pre-deprivation judicial review risks undermining the foundational principle that individuals must be presumed to have access to public services and property unless a court determines otherwise.

The U.S. Constitution guarantees notice and a meaningful opportunity to be heard before the government can restrict a person's rights. Courts have repeatedly affirmed that restrictions on speech and access to public forums must meet high constitutional standards. Requiring judicial approval before enforcement would better safeguard individual rights and reduce legal exposure for the state.

Risk of Overbreadth and Subjective Enforcement

The bill also permits restrictions based on terms like "intimidation," "confrontation," and causing "fear." These concepts can be interpreted broadly or inconsistently, especially in politically charged or emotionally sensitive contexts.

The state, as a public actor, must not restrict speech or access unless it rises to the level of a true threat or unlawful conduct. Any ambiguity in these definitions may result in a

chilling effect on protected speech, particularly for journalists, protesters, or whistleblowers who engage in confrontational advocacy.

The State Must Apply Harassment Standards Carefully

Finally, LD 2150 proposes to use Maine's harassment protection laws, originally designed to safeguard private individuals, to restrict public access to government property and services. We caution against extending these protections too broadly to include government entities.

These entities do not have emotions or personal rights that harassment statutes are meant to protect, and courts have consistently held that allowing the government to label speech as "harassment" would violate the First Amendment. As the Supreme Court has emphasized, public debate must remain uninhibited and robust, even when it is sharp, repetitive, or uncomfortable for those in power. For that reason, harassment law should not be used by government entities to restrict speech directed at the government itself.

For all of these reasons Maine Policy Institute urges this committee to vote "Ought Not To Pass" on LD 2150.

Thank you for your time and consideration.