

# ACLU

Maine

2023 FALL  
NEWSLETTER



## Know Your Rights at School

Know your rights, from teacher and staff free speech, to dress codes and gender identity, to student protests and tribal regalia.

Visit [ACLUMaine.org/BackToSchool](https://aclumaine.org/BackToSchool).

## Right to Counsel

The Sixth Amendment to the U.S. Constitution guarantees all people charged with a crime the right to effective assistance of counsel. Maine has failed to uphold that promise and remains the only state in the nation that relies almost entirely on private

attorneys for this essential public service.

The state provides little oversight and resources, tipping the scales of justice against the people. We sued the state in 2022, in *Robbins v. MCILS*, and are currently at the negotiating table seeking a settlement with the state.

2,000

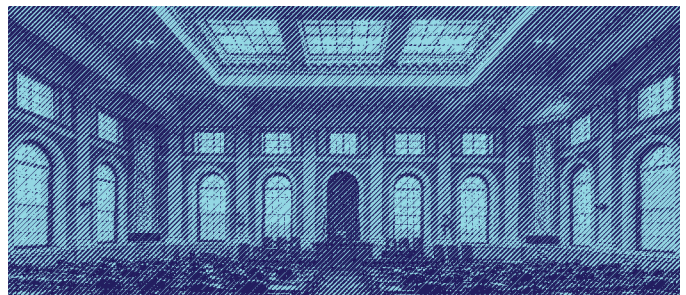
Maine courts assigned at least 2,000 cases to attorneys who lacked the necessary training or experience,

according to a 2021 investigation by The Maine Monitor and ProPublica.

The current system has failed low-income people accused of a crime in Maine and violated their Sixth Amendment right to effective assistance of counsel. As we continue settlement negotiations, we remain prepared to litigate – because a person's freedom should never depend on their wealth.

# Legislative Session

THE ACLU OF MAINE works on a variety of issues at the legislature to protect and expand the civil rights and liberties of all. During the 2023 legislative session, we won a number of victories, from expanding abortion access to protecting criminal legal reforms.



### REPRODUCTIVE FREEDOM

LD 1619 recently took effect, placing decisions about abortion between patients and providers. It removed a black-and-white cutoff for care. Other new laws will prevent municipalities from banning abortion, protect access during hospital mergers, and shield Maine providers from out of state politicians.

### CLASSROOM CENSORSHIP

Alongside LGBTQ rights organizations, educators, and librarians, we defeated dangerous proposals to censor books at schools. Book bans erase the stories of marginalized communities. Students have a First Amendment right to freely access information.

### ENDING THE WAR ON DRUGS

We defeated bills that would have reinforced the failed, racist policies of the War on Drugs, including increased criminal penalties for people with a substance use disorder. Lawmakers must focus on root causes of problematic drug use: poor access to health care, housing, jobs, and education. Incarceration will never solve a public health crisis.

### LGBTQ EQUALITY

Alongside our partners, we expanded access to gender-affirming care for 16- and 17-year-olds. Additionally, lawmakers enshrined MaineCare's

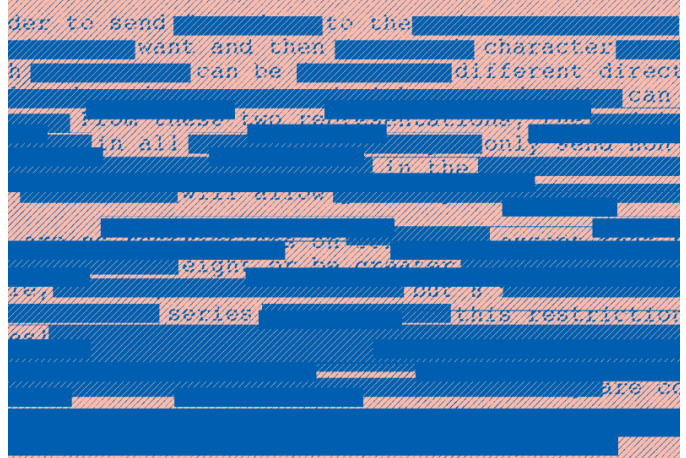
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VICTORY AT THE MAINE SUPREME JUDICIAL COURT

# Government Transparency

**T**HE MAINE SUPREME JUDICIAL COURT recently ruled in our favor in a major win for government transparency and accountability. It was the court's first test of the "bad faith" provision of Maine's public records law. The court ruled the Maine County Commissioners' Association Self-Funded Risk Management Pool was so "deceptive and abusive" when hiding records that it violated the state's Freedom of Access Act in bad faith.

The ruling marks the first time Maine's highest court has found a government entity acted in bad faith when it denied a records request. The government entity at fault will now have to turn over the records and pay our legal fees. This ruling shows that Maine's open records



law has teeth and serves as a reminder to all public officials: When you hide public documents and break the law, it will cost you.

We brought this case after the risk pool refused to disclose records concerning a settlement in a suit against the Kennebec County Jail. In that separate suit, an incarcerated man alleged the use of racial slurs and violence by a jail employee.

Read more about this case at [ACLUMaine.org/FOAAVictory](https://aclumaine.org/FOAAVictory).

## Staff and Board Update

The ACLU of Maine staff continues to grow to meet the needs of all people in the Pine Tree State. So far this year, we have welcomed a new communications director, deputy director, development director, legal fellow, and paralegal. Our Board of Directors has launched new efforts to engage directly with staff to build a strong community of civil liberties defenders.

## Meet the Team

The ACLU of Maine's team brings a wealth of knowledge and experience from a variety of fields and from around the nation. With many new faces, drop by the website to get to know the team!



Visit [ACLUMaine.org/Team](https://aclumaine.org/Team) or scan the code.

### BOARD OF DIRECTORS

Robert Kelley, President and Interim Executive Director  
Nancy J. Fannon, Vice President and National Board Representative  
Jodi Nofsinger, Secretary and Immediate Past President  
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# Stop the Sweeps

**M**AINE RESIDENTS ARE navigating a housing market with low stock and high prices. Securing housing is difficult for the most advantaged. It can be impossible for people with low incomes, with health issues, or fleeing violence. Portland is at a tipping point.

Instead of addressing the root causes, Portland has continued failed policies that underinvest in services, shelter, and housing. Instead, the city must cease the criminalization of unhoused residents for engaging in life-sustaining conduct, such as sleeping in tents to protect themselves from the elements.

You may have noticed us increase our engagement on housing issues recently. Just as Portland was approaching a uniquely dangerous point, we welcomed a new legal fellow whose main focus is combatting the criminalization of poverty. With city shelter space falling far short of what's needed, unhoused residents have nowhere to go. As federal courts have found, cities cannot criminalize people for sleeping outdoors on public property if that is their only option.

When cities conduct "sweeps," they violently displace people and destroy property. This is proven to increase mortality rates and cost more than providing shelter and services. It also threatens people's Fourth, Eighth, and Fourteenth Amendment rights.

Read more at [ACLUMaine.org/StopTheSweeps](https://aclumaine.org/StopTheSweeps).



Portland residents have repeatedly rallied for humane and constitutional housing policies.



## LEGISLATIVE SESSION, CONTINUED

coverage of gender-affirming care into law. Access to health care, including gender-affirming health care, is crucial to bodily autonomy.

**S**EVERAL TOP PRIORITIES will be carried over into the 2024 legislative session, and we are looking forward to getting them across the finish line.

### PRIVACY FROM BIG TECH

Private companies are currently free to exploit our personal data to track movements and profit from our most personal information.

Privacy isn't about secrecy. It's about control. Without protections, governments, individuals, and companies will continue to have the ability to purchase information that could be used to track us at protests, places of worship, family planning clinics, and more.

### WABANAKI STUDIES

22 years ago, Maine passed a visionary law mandating public schools teach students about the Wabanaki, but this law has not been effectively implemented. We will continue supporting Wabanaki citizens as they lead the fight for Indigenous justice.

### THE RIGHT TO A SPEEDY TRIAL

When the government chooses to charge a person with a crime, it is the government's responsibility to provide a fair legal process, including a speedy trial. Maine should join 41 other states and the federal government by implementing specific timelines to ensure criminal cases proceed fairly and efficiently.

### IMPLEMENTING A PUBLIC HEALTH RESPONSE TO THE DEADLY OVERDOSE CRISIS

Incarceration will never be the answer to Maine's deadly overdose crisis. Too many people in Maine who want treatment for a substance use disorder cannot get the help they need. We must increase pathways to help so people in all parts of the state can get the support they need to thrive on their own terms.

Thousands of families are desperate for leaders to take a new approach. Investing in a public health response to substance use will open doors to treatment, keep communities whole, and save money.

Read more at [ACLUMaine.org/2023LegislativeSession](https://aclumaine.org/2023LegislativeSession).

# ACLU

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# JOIN THE FIGHT

We hope you continue to partner with us in creating a more perfect union. There a number of ways to support our work so you can do what's right for you.

**ACLU**  
AMERICAN CIVIL LIBERTIES UNION  
Maine



## SUPPORT THE ACLU OF MAINE

### **TAX-DEDUCTIBLE DONATION**

Tax-deductible donations support a wide variety of legal and organizational work funded by our 501(c)3. These donations are tax-deductible but do not make you an ACLU member.

### **BECOME A CARD-CARRYING MEMBER**

Join the ACLU of Maine for as little as \$5! Memberships support our non-partisan legislative work funded by our 501(c)4, and are not tax-deductible. Join now at [ACLUMaine.org/Join](https://ACLUMaine.org/Join).

### **PLANNED GIVING**

Your support reflects your values – a passion for justice and equality and a desire to make a lasting difference. Learn more about planned giving by contacting Development Director Kim Allen at [KAllen@ACLUMaine.org](mailto:KAllen@ACLUMaine.org).

Complete and return the enclosed envelope, visit [ACLUMaine.org/Give](https://ACLUMaine.org/Give), or scan the code.

