



ACLU

MAINE

AMERICAN CIVIL LIBERTIES UNION
OF MAINE FOUNDATION

Legislative Review 2014

LAST MONTH WE WRAPPED up the second regular session of the 126th Legislature. The second session is the shorter of the two sessions, and only emergency measures and carryover bills from the first session are allowed to move forward. Even though it was a short session, we were hard at work as the leading voice for civil liberties issues in Maine!

EQUAL PROTECTION

This session we worked hard inside the State House and out to protect Mainers from discrimination.

- **Using Religion to Discriminate:** Across the country, some groups are pushing states to adopt so-called Religious Freedom Restoration Acts (RFRAs). Here in Maine, a proposed RFRA would have created a gaping exception to the Maine Human Rights Act, which protects Mainers from discrimination. In fact, the bill would have allowed individuals and businesses to



We log hundreds of hours at the State House every session.

break any law that could have burdened their religious beliefs. We led the effort to defeat RFRA in Maine, partnering with a broad range of opponents including the LGBT Coalition, the Choice Coalition, Attorney General Janet Mills, the Mayors Association, union groups, educators, and more.

- **Denying Assistance to Immigrants:** Outside of the legislature, we successfully defeated a change to the General Assistance rules that would have barred noncitizens from receiving benefits. We testified before the Department of Health and Human Services that the proposed rule change was unfair and unconstitutional, and helped organize press conferences, a petition drive and an unprecedented turnout at the hearing. The Attorney General ultimately blocked the rule change.

Total number of bills we supported or opposed: 27

Wins		18
Losses		4
Satisfactorily amended:		5

DRUG POLICY REFORM

Reforming our drug policies and encouraging a shift from law enforcement to treatment and harm reduction is a top priority for the ACLU. This session we successfully defeated two bills that would have been drastic steps backward for Maine, and passed key legislation that will save lives.

- **Governor’s War on Drugs:** One of our biggest victories of the session came after midnight on the last day of session, when we defeated Gov. LePage’s bill to ramp up the failed War on Drugs. We were the lone voice lobbying against the bill, advocating for treatment instead of incarceration.
- **Invasive Drug Testing:** In Maine, employers can only drug test employees under certain circumstances. This session we defeated a bill that would have given employers more excuses to perform the invasive tests, while eliminating assistance programs for employees to stop using drugs – essentially authorizing random drug testing and removing treatment programs at the time when they are most needed.
- **Preventing Overdose Deaths:** We worked alongside coalition partners in the Maine Harm Reduction Alliance to pass a positive drug reform bill that makes Naloxone, which reverses opiate overdoses, more widely available and removes criminal liability for administering Naloxone in an emergency.



Oami works the halls of the legislature.

RIGHTS OF PEOPLE WITH MENTAL ILLNESS

In the wake of a decision to pull federal funding from Riverview Psychiatric Center, several bills were proposed to “fix” the problems there. We argued that rather than trying to apply a criminal justice Band-Aid to our mental health problems, we should focus on increased training and support at our mental health facilities.

Opposed **17** bills that threatened civil liberties

Won (defeated)		11
Lost (became law)		1
Satisfactorily amended		5

- **Incarcerating Mainers with Mental Illness:** One bill would have allowed the transfer of patients from Riverview to a mental health unit within a jail, for the apparent crime of being mentally ill. We worked hard to defeat this dangerous proposal, and it was eventually rejected in committee.
- **Forced Hospitalization:** Another Riverview “solution” came in the form of a bill to allow hospitals to keep people experiencing mental crisis in the hospital against their will, for an unlimited amount of time. The bill also would have allowed for the forceable medication of patients, with no judicial oversight or meaningful opportunity to appeal. We worked with the Judiciary Committee to turn the bill into a work group to study the underlying issues that have led to Maine’s current crisis regarding appropriate treatment and housing for Mainers with acute mental illness.

DID YOU KNOW? In the 126th Legislature, we testified before 14 different committees – from Agriculture, Conservation and Forestry to Veterans and Legal Affairs! That’s all but two of the Legislature’s Joint Standing Committees.



Grainne, Zach and Oami: a great team!

PRISON CONDITIONS

In addition to reducing the number of people who come in contact with the criminal justice system, we work to ensure safe and constitutional conditions for those already in our jails and prisons.

- **Use of Deadly Force:** The Maine Department of Corrections (MDOC) proposed a bill that would have authorized the use of lethal force against an inmate at the Maine Corrections Center who was attempting to escape. We successfully lobbied committee members to remove the deadly force provision.

Supported **10** good bills
to promote and protect
civil liberties

Won (became law)		7
Lost (defeated)		3

SPEECH, PRIVACY AND TECHNOLOGY

The ACLU of Maine has long made protecting Mainers' privacy a priority, and this session we continued the push.

- **Protecting Students and Employees:** We've long called for measures to protect the privacy of students' and employees' personal digital information. In response, the Legislature was persuaded to appoint a study group that will convene this summer to look closely at student and employee privacy. We look forward to providing our expertise as their work moves forward.

LOOKING FORWARD

The first session of the 127th Session gets under way in January 2015 and we've already started planning. We'll be making criminal justice reform a priority issue, advocating for proactive policy changes to help Maine reduce our reliance on incarceration and end the disproportionate effect on poor people, people of color and people with mental illness. It's time for a paradigm shift.

FREE SPEECH

Standing up for the First Amendment is a hallmark issue of the ACLU, and this session offered another opportunity to protect our first freedom.

- **Truth Police:** The governor proposed to turn the Commission on Government Ethics & Election Practices into something of a “truth police” by requiring the Commission to investigate and determine the truth of candidates’ campaign statements. The legislature had passed a similar law several years ago, which the ACLU of Maine successfully challenged in *Mowles v. Commission on Governmental Ethics & Election Practices*. In that case, and in the public hearing for this bill, we argued that it should be up to the public, the media, and scholars – not the government – to decide what is true. Like the Maine Law Court, the legislature agreed with us, soundly rejecting the bill in the House with a 146-1 vote.

