



ACLU

MAINE

AMERICAN CIVIL LIBERTIES UNION
OF MAINE FOUNDATION





Legislative Review 2013

WE WENT INTO the 126th Legislature with a plan: to bring Maine's privacy laws up to speed with advancing technology. To that end, we proposed a 5-bill privacy package with bipartisan sponsorship. And while it was an uphill battle the whole way, we were successful in winning privacy protections and standing up for the 4th Amendment!

Along with securing wins on three important privacy laws, this session we also worked to:

- Protect reproductive freedom
- Defeat bills restricting access to welfare benefits
- Keep guns out of schools
- Uphold voting rights
- Oppose overincarceration
- Protect open government

Total number of bills we
supported or opposed: **115**

Wins		68
Losses		30
Satisfactorily amended:		6
Carried over		11

PRIVACY

Mainers care deeply about their privacy. But while technology has advanced rapidly in recent years, our laws have not kept pace. With bipartisan sponsors in the Senate and the House, we championed five bills to bring Maine's laws up to speed with advancing technology and bring government surveillance practices in line with the Constitution. We also took on a bill that threatened medical privacy.

It was a tough fight, but we worked hard to educate legislators about the need for reform. And it worked! **In a session where the governor vetoed an unprecedented 83 bills, we convinced the legislature to override a veto on one of our privacy bills – one of only FIVE veto overrides this session.**

Under the new laws, law enforcement will now be required to get a warrant before:

- Tracking your location with a cell phone or other electronic device
- Accessing your text messages or other content created on a portable device
- Placing a surveillance camera on private property

We also virtually single-handedly defeated a bill that would have granted law enforcement agencies unfettered access to the Prescription Monitoring Program database, which contains the sensitive prescription information of Mainers. We don't think it's right to turn a healthcare tool for medical providers into a prosecutorial tool for the government.

Learn more: www.aclumaine.org/privacy

MORE TO BE DONE: Even though we won in both the House and Senate, the governor vetoed a bill that would have required a warrant before law enforcement could spy on Mainers with drones (unmanned aircraft). Governor LePage promised to sign an Executive Order directing the Commissioner of Public Safety to come up with guidelines for government drone use. Guidelines are important but not sufficient. We'll continue to advocate for strong legal protections including warrants to govern any domestic use of drones.

WOMEN'S HEALTH

Year after year, we find ourselves fighting hard to protect women's health and reproductive choice. 2013 was no different. This session we saw many of the same restrictive bills we've seen before including bills that would have:

- Scripted the doctor-patient conversation about abortion, requiring doctors to give biased, coercive information to women seeking an abortion
- Replaced Maine's successful adult involvement law with a much more restrictive parental consent law that would have made it virtually impossible for Maine's most vulnerable young women to have an abortion
- Granted legal rights to fetuses, separate from the mother

With our partners on the Maine Choice Coalition, **we defeated them all.**

MORE TO BE DONE: Unfortunately, two bills to enhance employment protections for pregnant workers and women who are breastfeeding did not become law. The breastfeeding bill – which would simply have required employers to provide accommodations for nursing mothers in accordance with the Maine Human Rights Act – sailed through both houses of the legislature with bipartisan support. Sadly, like so many bills this session, the bill was vetoed. The bill to provide additional legal protections for pregnant workers was defeated in committee.



Opposed **73** bills that could hurt civil liberties

Won (defeated)	<div style="width: 52%;"></div>	52
Lost (became law)	<div style="width: 12%;"></div>	12
Satisfactorily amended	<div style="width: 6%;"></div>	6
Carried over	<div style="width: 3%;"></div>	3

OVERINCARCERATION

America incarcerates more people than any other nation, and at a huge cost to taxpayers, individual liberty and our communities. This session, we steadfastly opposed any bill that sought to create new criminal penalties and thus put more people in contact with our bloated criminal justice system. Often, we testified in front of committees we rarely visit, such as Inland Fisheries and Wildlife, bringing a unique perspective to the debate. As a result of our advocacy, many bills were amended to remove criminal penalties and passed instead with alternatives to incarceration – like public education or civil fines. As we look to future legislative sessions, we are thinking carefully about potential reforms that could reduce incarceration rates in Maine and create a more just system.

MORE TO BE DONE: The enforcement of low-level marijuana laws costs Maine millions of dollars every year, needlessly puts thousands of people in contact with the criminal justice system, and disproportionately affects people of color. In Maine, black people are twice as likely to be arrested for marijuana possession, despite the fact that they use marijuana at the same rates as white people. This session we supported a bill to tax and regulate the recreational use of marijuana in the state of Maine. The bill was defeated, but we will continue working to reform Maine's marijuana possession laws.



Shenna Bellows makes the case for civil liberties

Supported **42** bills that would promote/protect civil liberties

Won (became law)	<div style="width: 38%;"></div>	16
Vetoed by governor	<div style="width: 8%;"></div>	4
Lost (defeated)	<div style="width: 33%;"></div>	14
Carried over	<div style="width: 19%;"></div>	8

VOTING RIGHTS

Voting is the cornerstone of democracy. Maine has some of the best voting rights laws in the country, and we're working to keep it that way! This session we successfully fought a bill that would have disenfranchised some people in prison – further alienating them from society and making it harder to rehabilitate.

More information is available at www.aclumaine.org/earlyvoting

MORE TO BE DONE: We also worked to expand access to the ballot for all Mainers by supporting an amendment to the state Constitution that would have given voters the opportunity to approve a statewide early voting system. Early voting would make it easier for more qualified Mainers – including working parents and people with limited transportation – to cast a ballot. This measure was carried over until next session, and it will continue to be a top ACLU of Maine priority in the coming year.

BULLYING

We believe a safe school environment for all students is essential, and that's why we worked closely with the legislature and community partners to craft Maine's anti-bullying law, which went into effect this school year. Despite the newness of the law, two bills were proposed this session which would have drastically altered implementation – and for the worse. One bill would have made cyberbullying a crime – undercutting the anti-bullying law's many alternative disciplinary options that allow school officials to address the root causes of student misbehavior, rather than getting law enforcement involved in disciplinary problems. Another bill would have eliminated the recording requirements of certain bullying incidents. With our allies, we secured unanimous defeat of these two dangerous bills in committee.

GOVERNMENT TRANSPARENCY

Government of and by the people requires that the people know what the government is up to, and that is why we will always support efforts to increase government transparency. When environmentalists reported to us that they could not access any information about the proposed East-West Highway, we agreed to partner with them to pass legislation to make records about large transportation projects available to the public. We also championed a bill to make broad improvements to Maine's Freedom of Access Act to ensure greater accountability. We were successful in seeing both bills pass into law!



Looking Ahead

This session, we took huge steps toward protecting privacy, reproductive freedom, voting rights, government transparency, and a fair criminal justice system. But our work is never done! This summer we'll be planning for next session and determining the best ways to make a difference. With your support, we'll continue to carry the torch for civil liberties in Maine – because freedom can't protect itself.