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**STATE OF MAINE
130TH LEGISLATURE
COMMITTEE TO ENSURE CONSTITUTIONALLY ADEQUATE CONTACT WITH COUNSEL**

Solicitation of Public Comment for October 5, 2022 Meeting

The Maine Legislature's *Committee to Ensure Constitutionally Adequate Contact with Counsel* is seeking public comment. The Committee was established by legislation, known as Resolve 2021, c. 182 (or LD 1946), which you can read online at the following link:

<http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP1451&item=3&snum=130>.

The Committee's website, which includes background materials, can be found at

<https://legislature.maine.gov/constitutionally-adequate-contact-with-counsel-committee>

Background

Residents of correctional and detention facilities and criminal defendants in court facilities have a constitutional right to counsel, which includes the right to confidential communications with their attorneys. In response to concerns regarding the ability of residents of correctional facilities and defendants to communicate in a confidential manner with their attorneys, the Maine Legislature established the Committee to study this issue and submit recommendations to the Legislature.

Public Comments requested for Meeting on Wednesday, October 5, 2022:

The Committee is seeking public comments on the following questions:

1. For incarcerated or formerly incarcerated individuals:
 - a. *While incarcerated, what was your experience communicating with your attorney in a confidential (private) manner?*
 - b. *How were you made aware of your right to speak confidentially with your attorney while in jail or prison?*
 - c. *When you arrived in prison or jail, were you given the opportunity to provide the phone number for your attorney, in order for that number to be added to a list of phone numbers to be protected from recording?*
 - d. *When you spoke to your attorney by phone while you were in jail or prison, did you feel comfortable that your conversation was not being recorded?*
 - e. *When you have been in a courthouse to appear before a judge or when you have appeared remotely (for example, over Zoom) before a judge, what has been your experience in having time and a place to speak privately to your attorney?*

- f. *When you received mail from your attorney in prison or jail, was that mail opened in your presence?*
- g. *In prison or jail, did you have a safe place to store legal documents?*
- h. *What recommendations do you have for this Committee?*

2. For attorneys:

- a. *What has your experience been in speaking with clients over the phone when the client is incarcerated at a prison or jail? Does your experience differ from facility to facility?*
- b. *Have you ever experienced a situation in which a conversation with a client was recorded, that you are aware of?*
- c. *What has been your experience in getting your telephone number on the list of numbers exempt from phone surveillance at each facility?*
- d. *What has been your experience meeting with clients confidentially in jails or prisons?*
- e. *What has been your experience meeting with clients confidentially in courthouses?*
- f. *What recommendations do you have for this Committee?*

How to provide public comments:

You may submit your comments orally at the Committee meeting scheduled to take place on October 5, 2022 or you may submit written comments or you may choose both to speak during the meeting and to submit written comments.

1. **Public comments during the October 5, 2022 meeting:** If you would like to speak during the meeting, you may attend the meeting in person in Room 228 of the State House (the AFA Committee Room) or you may attend the meeting remotely using Zoom. If you prefer to attend by Zoom, you must register in advance through the following link: https://legislature-maine.gov.zoom.us/webinar/register/WN_FDAUrRJFSuWPrOUa_wPAvw

Depending on the number of people who want to speak at the meeting, the chairs may limit the time each person has to speak. Please remember that the Committee meeting will be publicly livestreamed on the Legislature's website and a recording of the meeting will also be publicly available on the Legislature's website. For that reason, you may wish to avoid discussing any private or sensitive information that you do not want shared with the public.

2. **Written comments:** If you wish to send a written comment to the Committee, please email your comment to both samuel.senft@legislature.maine.gov and jane.orbeton@legislature.maine.gov **by 5:00 p.m. on Monday, October 3rd.**

Comments received after that date may not be distributed to the Committee members until after the meeting.

Please remember that all comments, documents and information you send to the Committee or to Committee staff are considered “public records” under Maine’s Freedom of Access Act. Materials will be posted online with other materials used by the Committee and will be viewable and searchable by the public.

If you have questions or require additional information, please contact the Committee’s staff, Jane Orbeton and Samuel Senft at jane.orbeton@legislature.maine.gov and samuel.senft@legislature.maine.gov or by phone at (207) 287-1670.