

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

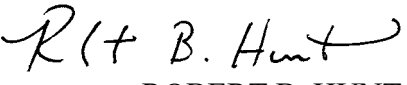
No. 1656

H.P. 1097

House of Representatives, April 15, 2025

An Act to Facilitate Compliance with Federal Immigration Law by State and Local Government Entities

Reference to the Committee on Judiciary suggested and ordered printed.


ROBERT B. HUNT
Clerk

Presented by Representative SOBOLESKI of Phillips.
Cosponsored by Senator CYRWAY of Kennebec and
Representatives: ADAMS of Lebanon, CAMPBELL of Orrington, DRINKWATER of
Milford, GRIFFIN of Levant, PAUL of Winterport, SMITH of Palermo, THORNE of Carmel,
Senator: BRADSTREET of Kennebec.

1 Be it enacted by the People of the State of Maine as follows:

2 Sec. 1. 5 MRSA Pt. 32 is enacted to read:

3 **PART 32**

4 **IMMIGRATION INFORMATION SHARING**

5 **CHAPTER 641**

6 **IMMIGRATION STATUS**

7 **§26001. Short title**

8 This chapter may be known and cited as "the Public Safety and Protection Act."

9 **§26002. Definitions**

10 As used in this chapter, unless the context otherwise indicates, the following terms
11 have the following meanings.

12 **1. Federal immigration agency.** "Federal immigration agency" means the United
13 States Department of Justice, the United States Department of Homeland Security or any
14 division within either of those departments, including but not limited to United States
15 Immigration and Customs Enforcement, United States Customs and Border Protection or
16 any successor agency or any other federal agency charged with the enforcement or
17 administration of immigration or border control.

18 **2. Government entity.** "Government entity" means a state government entity, state
19 government entity official, local government entity, local government entity official, law
20 enforcement agency or law enforcement agency official.

21 **3. Immigration detainer.** "Immigration detainer" means a facially sufficient written
22 or electronic request issued by a federal immigration agency using that agency's official
23 form to request that another law enforcement agency detain a person based on probable
24 cause to believe that the person to be detained is a removable alien under federal
25 immigration law, including detainers issued pursuant to 8 United States Code, Sections
26 1226 to 1232 and 8 United States Code, Section 1357. For the purposes of this subsection,
27 an immigration detainer is facially sufficient if:

28 A. The federal immigration agency's official form is complete and indicates on its face
29 that the federal immigration agency has probable cause to believe that the person to be
30 detained is a removable alien under federal immigration law; or

31 B. The federal immigration agency's official form is incomplete and fails to indicate
32 on its face that the federal immigration agency has probable cause to believe that the
33 person to be detained is a removable alien under federal immigration law, but is
34 supported by an affidavit, order or other official documentation, such as a Form I-200
35 Warrant for Arrest of Alien or a Form I-205 Warrant of Removal and Deportation, or
36 a successor warrant or other warrant authorized by federal law, that indicates that the
37 federal immigration agency has probable cause to believe that the person to be detained
38 is a removable alien under federal immigration law.

1 **4. Immigration law.** "Immigration law" means the laws of this State or federal law
2 relating to immigrants or immigration, including but not limited to the federal Immigration
3 and Nationality Act.

4 **5. Inmate.** "Inmate" means a person in the custody of a law enforcement agency.

5 **6. Law enforcement agency.** "Law enforcement agency" means an agency in the
6 State charged with enforcement of state, county, municipal or federal laws or with
7 managing custody of detained persons in the State and includes but is not limited to
8 municipal police departments; sheriffs' departments; the State Police; if a university or
9 college has an organized police department, the campus police; and the Department of
10 Public Safety.

11 **7. Law enforcement agency official.** "Law enforcement agency official" means a
12 person having official duties as a representative, agent or employee of a law enforcement
13 agency.

14 **8. Local government entity.** "Local government entity" means a county, municipality
15 or other political subdivision of the State.

16 **9. Local government entity official.** "Local government entity official" means a
17 person having official duties as a representative, agent or employee of a local government
18 entity.

19 **10. State government entity.** "State government entity" means a department, agency,
20 bureau, commission, council or other entity established under the laws of the State.

21 **11. State government entity official.** "State government entity official" means a
22 person having official duties as a representative, agent or employee of a state government
23 entity.

24 **§26003. Prohibited practices regarding immigration enforcement**

25 A state government entity, local government entity or law enforcement agency may not
26 adopt or maintain a law, ordinance, resolution, rule, regulation, policy, directive, order,
27 practice or procedure, formal or informal, written or unwritten, that prohibits or materially
28 restricts the state government entity, local government entity or law enforcement agency
29 from complying with or assisting in the enforcement of immigration law, including, but not
30 limited to, prohibiting or materially restricting the state government entity, local
31 government entity or law enforcement agency from prohibiting or otherwise materially
32 restricting any state government entity, local government entity or law enforcement agency
33 from assisting in the enforcement of immigration law. This section applies to prohibitions
34 or restrictions on:

35 **1. Inquiries into status.** Inquiries into the immigration status of any person;

36 **2. Information relating to status.** Transmitting, requesting or receiving information
37 relating to immigration status, lawful or unlawful, of any person to or from any federal
38 immigration agency;

39 **3. Maintaining information.** Maintaining, archiving or otherwise storing for
40 subsequent use information relating to a person's immigration status;

1 **4. Exchanging information.** Exchanging information relating to immigration status
2 with another local government entity or state government entity or a federal immigration
3 agency;

4 **5. Complying with detainer.** Complying with an immigration detainer, including,
5 but not limited to, refusing to cooperate or comply with a lawfully issued immigration
6 detainer in the absence of a warrant or other order directing compliance with or
7 enforcement of such an immigration detainer;

8 **6. Complying with request to notify.** Complying with a request from a federal
9 immigration agency to notify the agency before the release of an inmate;

10 **7. Providing incarceration status.** Providing a federal immigration agency with an
11 inmate's incarceration status or release date;

12 **8. Assisting federal immigration agency.** Assisting or cooperating with a federal
13 immigration agency, including by providing enforcement assistance;

14 **9. Participating in program.** Participating in any program or agreement authorized
15 under the federal Immigration and Nationality Act, 8 United States Code, Section 1357(g);
16 and

17 **10. Permitting officer to enter jail.** Permitting a federal immigration officer to enter
18 and conduct enforcement activities at a municipal jail, county jail, state prison or other
19 correctional facility involving or related to the enforcement of federal immigration laws.

20 **§26004. Complaint process; appeals**

21 **1. Resident complaints and Legislator requests submitted to Attorney General.**
22 A resident of the State may submit a complaint to the Attorney General asserting a violation
23 of section 26003 by a government entity. The complaint must be in writing and in a form
24 and manner as prescribed by the Attorney General. A member of the Legislature may
25 request that the Attorney General investigate and issue an opinion as to whether a
26 government entity has violated section 26003.

27 **2. Attorney General investigation.** After receiving a complaint or request under
28 subsection 1, the Attorney General shall investigate and determine whether a violation of
29 section 26003 has occurred. If after the investigation the Attorney General determines that
30 a violation of section 26003 has occurred, the Attorney General shall issue an opinion that
31 a violation has occurred. The Attorney General shall make the opinion available to the
32 public.

33 **3. Review of Attorney General findings.** If the Attorney General issues an opinion
34 pursuant to subsection 2 that a government entity has violated section 26003, the
35 government entity has 30 days from the date the opinion was issued to contest the finding
36 in Superior Court.

37 A. If the Superior Court affirms the Attorney General's findings, the court shall
38 immediately enjoin the policy or practice in violation of section 26003. A government
39 entity that fails to comply with an injunction is subject to a fine of \$500 for each day
40 the policy or practice of the government entity remains in effect.

41 B. If the Superior Court overturns the Attorney General's findings, the Attorney
42 General shall immediately certify that the government entity is in compliance with
43 section 26003.

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