

MAINE STATE LEGISLATURE

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Date: 5/25/17

Minority

(Filing No. H- 289)

JUDICIARY

Reproduced and distributed under the direction of the Clerk of the House,

STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 272, L.D. 366, Bill, "An Act To Ensure Compliance with Federal Immigration Law by State and Local Government Entities"

Amend the bill in section 1 in §25003 by striking out all of subsection 5 (page 3, line 12 to 20 in L.D.)

Amend the bill in section 1 in §25004 in the first line (page 3, line 21 in L.D.) by striking out the following: "penalties" and inserting the following: 'appeals'

Amend the bill in section 1 in §25004 in subsection 2 in the 6th to 10th lines (page 3, lines 33 to 37 in L.D.) by striking out the last 2 sentences.

Amend the bill in section 1 in §25004 by striking out all of subsection 3 (page 3, lines 38 to 41 in L.D.) and inserting the following:

3. Review of Attorney General findings. If the Attorney General issues an opinion pursuant to subsection 2 that a government entity has violated section 25003, the government entity has 30 days from the date the opinion was issued to contest the finding in Superior Court.

A. If the Superior Court affirms the Attorney General's findings, the court shall immediately enjoin the policy or practice in violation of section 25003. Failure to comply with the injunction results in a fine of \$500 for each day the policy or practice of the government entity remains in effect.

B. If the Superior Court overturns the Attorney General's findings, the Attorney General shall immediately certify that the government entity is in compliance with section 25003.'

Amend the bill in section 1 by striking out all of §25005 and §25006.

Amend the bill in section 1 by renumbering the sections to read consecutively.

COMMITTEE AMENDMENT

SUMMARY

This amendment is the minority report of the Joint Standing Committee on Judiciary. It deletes the provisions of the bill authorizing law enforcement agencies to transport aliens who are unlawfully present in the United States to a federal facility and creating private rights of action. It removes from the complaint process the provision that a government entity is ineligible to receive state funds if the Attorney General determines the entity is in violation of the provisions concerning the sharing and use of immigration and citizenship information or restricting the enforcement of federal immigration law.

The amendment also provides that if the Attorney General, upon investigation, determines that a government entity is violating the law, the Attorney General must issue an opinion stating that finding. The government entity has 30 days to appeal the finding to the Superior Court. If the Superior Court agrees with the Attorney General, the court must immediately enjoin the policy or practice. Each day the government entity continues the policy or practice results in a \$500 fine. If the Superior Court disagrees with the Attorney General, the Attorney General must immediately certify that the government entity is in compliance with the law.

FISCAL NOTE REQUIRED

(See attached)



128th MAINE LEGISLATURE

LD 366

LR 266(02)

An Act To Ensure Compliance with Federal Immigration Law by State and Local Government
Entities

Fiscal Note for Bill as Amended by Committee Amendment *A (H-289)*
Committee: Judiciary
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Minor revenue increase - General Fund

Correctional and Judicial Impact Statements

Increases the number of civil suits.

The collection of additional filing fees may also increase General Fund revenue by minor amounts.