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1	L.D. 847
2	Date: 6/5/17 Minority (Filing No. H-413)
3	JUDICIARY
4	Reproduced and distributed under the direction of the Clerk of the House.
5	STATE OF MAINE
6	HOUSE OF REPRESENTATIVES
7	128TH LEGISLATURE
8	FIRST REGULAR SESSION
9 10	COMMITTEE AMENDMENT "A" to H.P. 596, L.D. 847, Bill, "An Act To Hold Refugee Resettlement Agencies Accountable to Maine People"
11 12	Amend the bill by striking out everything after the enacting clause and inserting the following:
13	'Sec. 1. 5 MRSA Pt. 31 is enacted to read:
14	<u>PART 31</u>
15	<b>IMMIGRATION AND REFUGEE PROGRAMS</b>
16	<u>CHAPTER 631</u>
17	REFUGEE RESETTLEMENT PROGRAMS
18	<u>§25001. Short title</u>
19 20	This chapter may be known and cited as "the Responsible Refugee Resettlement Act."
21	<u>§25002. Definitions</u>
22 23	For the purposes of this chapter, unless the context otherwise indicates, the following terms have the following meanings.
24	1. Absorptive capacity. "Absorptive capacity" means:
25 26	A. The ability of a locality's social service and health care agencies to meet the needs of the locality's residents or anticipated residents;
27	B. The availability of affordable housing, low-cost housing or both and the existence
28	of waiting lists for such housing in the locality;

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1 2 3	D. The ability of the locality's economy to absorb new workers without causing competition with local residents for job opportunities, displacing local workers or adversely affecting the wages or working conditions of the local workforce; and
4 5	E. The ability of the locality's law enforcement to maintain law and order and ensure general public safety for its residents and anticipated residents.
6 7	2. Act of terrorism. "Act of terrorism" means any act of domestic or international terrorism as defined in 18 United States Code, Section 2331.
8 9	3. Locality. "Locality" means any county, municipality or other political subdivision of the State.
10 11	<b><u>4.</u> Refugee.</b> "Refugee" has the same meaning as in 8 United States Code, Section 1101(a)(42).
12	<u>§25003. Withdrawal from refugee resettlement program</u>
13 14 15	State and local government agencies are not authorized to participate in the federal refugee resettlement program as created by the United States Congress pursuant to the Refugee Act of 1980, Public Law 96-212.
16	<u>§25004. Refugee resettlement liability</u>
17 18 19 20 21	A nongovernmental entity that provides refugee resettlement services in this State after January 1, 2018 may be held liable for damages in a civil action in a court of competent jurisdiction if the entity resettles a refugee who subsequently commits an act of terrorism in this State and the entity knew or should have known that such an act of terrorism was likely or imminent.
22	§25005. Eligibility for tax exemption
23 24	To maintain eligibility for state or local tax exemptions, a nongovernmental entity that provides resettlement services in this State must annually certify:
25 26 27	<b>1. Quarterly meetings.</b> That the entity has made an attempt to convene no less than quarterly meetings with appropriate state and local government officials of any locality that is a host or being considered as a host for refugee resettlement;
28 29 30	<u>2.</u> Consideration of recommendations. That the entity has taken the recommendations of the state and local government officials into consideration in the planning of refugee resettlement within the State; and
31 32 33	3. No action if no absorptive capacity indicated. That the entity has not taken any action to resettle refugees into a locality that has indicated that it does not have the absorptive capacity to accept refugees into its jurisdiction.
34	§25006. Transparency
35 36 37	A nongovernmental entity that provides refugee resettlement services in this State shall submit an annual report to the Governor and the Legislature that includes the following information:
38	1. Services. A description of services provided;

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# **COMMITTEE AMENDMENT**

	COMMITTEE AMENDMENT "A" to H.P. 596, L.D. 847
1	2. Localities. A list of the localities in the State receiving refugees;
2 3	3. Number of refugees. The total number of refugees the entity has resettled in the State;
4 5	<b>4. Demographics.</b> The demographic breakdown of refugee arrivals to the State including by age, country of origin and sex; and
6 7	5. Anticipated changes. Any anticipated changes in the number of refugee arrivals or destination localities for the following reporting year.
8	<u>§25007. Implementation</u>
9 10 11	The Commissioner of Health and Human Services shall adopt rules to implement this chapter. Rules adopted pursuant to this section are routine technical rules for the purposes of Title 5, chapter 375, subchapter 2-A.
12	<u>§25008. Effective date</u>
13	This chapter takes effect January 1, 2018.
14	SUMMARY
15 16	This amendment is the minority report of the Joint Standing Committee on Judiciary. It replaces the bill, which is a concept draft.
17	The amendment establishes the Responsible Refugee Resettlement Act.
18 19 20	The Act prohibits the State and local governments from participating in the federal refugee resettlement program as created by the United States Congress pursuant to the Refugee Act of 1980, Public Law 96-212.
21 22 23 24	Under the Act, any nongovernmental entity that provides refugee resettlement services after January 1, 2018 may be held liable in a civil action if it resettles a refugee who subsequently commits an act of terrorism in this State and the entity knew or should have known that the act of terrorism was likely or imminent.
25 26 27	Under the Act, a nongovernmental entity that provides refugee resettlement services must certify that the following requirements are met in order to maintain eligibility for state or local tax exemptions:
28 29	1. Attempt to convene at least quarterly meetings with state and local government officials of a locality that is a host or being considered as a host;
30 31	2. Take into consideration recommendations of the state and local government officials; and
32 33	3. Take no action to resettle refugees in any locality that has indicated it does not have the absorptive capacity, which is defined in the amendment, to accept new refugees.
34 35 36	Under the Act, a nongovernmental entity that provides refugee resettlement services must submit an annual report to the Governor and the Legislature that includes specific information about the refugees, refugee demographics and plans for the following year.

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## **COMMITTEE AMENDMENT**

COMMITTEE AMENDMENT "A" to H.P. 596, L.D. 847

1 2	The Commissioner of Health and Human Services must adopt routine technical rules to carry out the Act.
3	The Act takes effect January 1, 2018.
4	FISCAL NOTE REQUIRED
5	(See attached)

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# **COMMITTEE AMENDMENT**



### **128th MAINE LEGISLATURE**

### LD 847

### LR 1440(02)

An Act To Hold Refugee Resettlement Agencies Accountable to Maine People

Fiscal Note for Bill as Amended by Committee Amendment 'A' (H-413) Committee: Judiciary Fiscal Note Required: Yes

### **Fiscal Note**

Potential current biennium revenue increase - General Fund Potential current biennium revenue increase - Municipalities 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.

#### **Fiscal Detail and Notes**

If a nongovernmental entity that provides resettlement services does not provide certain certifications annually regarding their activities, the entity may have their eligibility for state or local tax exemptions denied, therefore increasing General Fund revenues and municipal revenues.