

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2026

Legislative Document

No. 2106

H.P. 1421

House of Representatives, January 7, 2026

An Act to Prohibit the Disclosure of Nonpublic Records Without Proper Judicial Review

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink, reading "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative SATO of Gorham.

Cosponsored by Senator ROTUNDO of Androscoggin and

Representatives: DHALAC of South Portland, Speaker FECTEAU of Biddeford, LEE of Auburn, MEYER of Eliot, MURPHY of Scarborough, RANA of Bangor, Senators: President DAUGHTRY of Cumberland, TALBOT ROSS of Cumberland.

1 **Emergency preamble.** Whereas, acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** the recent increase in immigration law enforcement activity in the State has
4 raised questions for persons working in the education, health care and child care sectors;
5 and

6 **Whereas,** it is in the public interest to ensure that individuals are not discouraged from
7 seeking an education, medical care or child care and that public schools, public libraries,
8 health care facilities and child care facilities are safe and accessible for all residents of the
9 State; and

10 **Whereas,** legislation is required to clarify the duties and responsibilities of those
11 working in education, health care and child care in the State with regard to cooperating
12 with law enforcement officers enforcing immigration laws; and

13 **Whereas,** immigration law enforcement activity in the State is ongoing and persons
14 working in education, health care and child care require immediate guidance for the safety
15 of themselves and others; and

16 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
17 the meaning of the Constitution of Maine and require the following legislation as
18 immediately necessary for the preservation of the public peace, health and safety; now,
19 therefore,

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

21 **Sec. 1. 20-A MRSA §14** is enacted to read:

22 **§14. Limitation on immigration enforcement in public schools and state**
23 **postsecondary educational institutions**

24 **1. Voluntary consent prohibited.** A person acting on behalf of a public school or
25 state postsecondary educational institution may not provide voluntary consent permitting a
26 law enforcement officer engaged in immigration enforcement or supporting immigration
27 enforcement to enter a nonpublic area of the public school or state postsecondary
28 educational institution or access, review or obtain student records. For the purposes of this
29 section, "law enforcement officer" has the same meaning as in Title 16, section 638,
30 subsection 2 and "state postsecondary educational institution" has the same meaning as in
31 section 10014, subsection 1, paragraph B.

32 **2. Exceptions.** This section does not prevent compliance with a valid judicial warrant
33 authorizing entry into a nonpublic area of a public school or state postsecondary
34 educational institution or a search of student records or compliance under exigent
35 circumstances.

36 This section may not be construed to prohibit or restrict any person acting on behalf of a
37 public school or state postsecondary educational institution from sending to or receiving
38 from federal immigration authorities information regarding the citizenship or immigration
39 status, lawful or unlawful, of an individual; from requesting from federal immigration
40 authorities information regarding the citizenship or immigration status, lawful or unlawful,
41 of an individual; or from maintaining or exchanging that information with any other federal,
42 state or local government entity pursuant to 8 United States Code, Sections 1373 and 1644.

1 This section does not prohibit a person acting on behalf of a public school or state
2 postsecondary educational institution from challenging the validity of a judicial warrant or
3 subpoena in a court of law.

4 **Sec. 2. 22 MRSA §1730-B** is enacted to read:

5 **§1730-B. Limitation on immigration enforcement in health care facilities**

6 **1. Voluntary consent prohibited.** A person acting on behalf of a health care facility
7 may not provide voluntary consent permitting a law enforcement officer engaged in
8 immigration enforcement or supporting immigration enforcement to enter a nonpublic area
9 of the health care facility or access, review or obtain patient records. For the purposes of
10 this section, "health care facility" has the same meaning as in Title 5, section 19201,
11 subsection 2-B and "law enforcement officer" has the same meaning as in Title 16, section
12 638, subsection 2.

13 **2. Exceptions.** This section does not prevent compliance with a valid judicial warrant
14 authorizing entry into a nonpublic area of a health care facility or a search of patient records
15 or compliance under exigent circumstances.

16 This section may not be construed to prohibit or restrict any person acting on behalf of a
17 health care facility from sending to or receiving from federal immigration authorities
18 information regarding the citizenship or citizenship or immigration status, lawful or
19 unlawful, of an individual; from requesting from federal immigration authorities
20 information regarding the citizenship or immigration status, lawful or unlawful, of an
21 individual; or from maintaining or exchanging that information with any other federal, state
22 or local government entity pursuant to 8 United States Code, Sections 1373 and 1644.

23 This section does not prohibit a person acting on behalf of a health care facility from
24 challenging the validity of a judicial warrant or subpoena in a court of law.

25 **Sec. 3. 22 MRSA §8309** is enacted to read:

26 **§8309. Limitation on immigration enforcement in child care facilities and family child**
27 **care providers**

28 **1. Voluntary consent prohibited.** A person acting on behalf of a child care facility
29 or family child care provider may not provide voluntary consent permitting a law
30 enforcement officer engaged in immigration enforcement or supporting immigration
31 enforcement to enter a nonpublic area of the child care facility or home of a family child
32 care provider or access, review or obtain records held by a child care facility or family child
33 care provider. For the purposes of this section, "law enforcement officer" has the same
34 meaning as in Title 16, section 638, subsection 2.

35 **2. Exceptions.** This section does not prevent compliance with a valid judicial warrant
36 authorizing entry into a nonpublic area of a child care facility or home of a family child
37 care provider or a search of records held by the child care facility or family child care
38 provider or compliance under exigent circumstances.

39 This section may not be construed to prohibit or restrict any person acting on behalf of a
40 child care facility or family child care provider from sending to or receiving from federal
41 immigration authorities information regarding the citizenship or immigration status, lawful
42 or unlawful, of an individual; from requesting from federal immigration authorities
43 information regarding the citizenship or immigration status, lawful or unlawful, of an

1 individual; or from maintaining or exchanging that information with any other federal, state
2 or local government entity pursuant to 8 United States Code, Sections 1373 and 1644.

3 This section does not prohibit a person acting on behalf of a child care facility or family
4 child care provider from challenging the validity of a judicial warrant or subpoena in a
5 court of law.

6 **Sec. 4. 27 MRSA §109-A** is enacted to read:

7 **§109-A. Limitation on immigration enforcement in public libraries**

8 **1. Voluntary consent prohibited.** A person acting on behalf of a public library may
9 not provide voluntary consent permitting a law enforcement officer engaged in immigration
10 enforcement or supporting immigration enforcement to enter a nonpublic area of the public
11 library or access, review or obtain records held by the public library. For the purposes of
12 this section, "law enforcement officer" has the same meaning as in Title 16, section 638,
13 subsection 2.

14 **2. Exceptions.** This section does not prevent compliance with a valid judicial warrant
15 authorizing entry into a nonpublic area of a public library or a search of records held by the
16 public library or compliance under exigent circumstances.

17 This section may not be construed to prohibit or restrict any person acting on behalf of a
18 public library from sending to or receiving from federal immigration authorities
19 information regarding the citizenship or immigration status, lawful or unlawful, of an
20 individual; from requesting from federal immigration authorities information regarding the
21 citizenship or immigration status, lawful or unlawful, of an individual; or from maintaining
22 or exchanging that information with any other federal, state or local government entity
23 pursuant to 8 United States Code, Sections 1373 and 1644.

24 This section does not prohibit a person acting on behalf of a public library from challenging
25 the validity of a judicial warrant or subpoena in a court of law.

26 **Sec. 5. Model policies and guidance for public schools, state postsecondary**
27 **educational institutions, health care facilities, child care facilities, family child**
28 **care providers and public libraries.** By January 1, 2027, the Attorney General shall
29 publish model policies and guidance for public schools and state postsecondary educational
30 institutions, health care facilities, child care facilities, family child care providers and
31 public libraries related to limiting voluntary assistance with immigration enforcement
32 activity at public schools and state postsecondary educational institutions pursuant to the
33 Maine Revised Statutes, Title 20-A, section 14; health care facilities pursuant to Title 22,
34 section 1730-B; child care facilities and family child care providers pursuant to Title 22,
35 section 8309; and public libraries pursuant to Title 27, section 109-A to the fullest extent
36 possible consistent with federal and state law and ensuring that public schools, state
37 postsecondary educational institutions, health care facilities, child care facilities, family
38 child care providers and public libraries remain safe and accessible to all state residents
39 regardless of immigration status. Public schools, state postsecondary educational
40 institutions, health care facilities, child care facilities, family child care providers and
41 public libraries shall adopt the published policies and guidance or establish equivalent
42 policies and guidance within 6 months of the Attorney General's publishing of the model
43 policies and guidance.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

SUMMARY

This bill prohibits a person acting on behalf of a public school, state postsecondary educational institution, health care facility, child care facility, family child care provider or public library from providing voluntary consent permitting a law enforcement officer engaged in immigration enforcement or supporting immigration enforcement to enter a nonpublic area of a public school, state postsecondary educational institution, health care facility, child care facility, home of a family child care provider or public library or access, review or obtain student, patient or library records. The bill also requires the Attorney General to publish, by January 1, 2027, model policies and guidance for public schools, state postsecondary educational institutions, health care facilities, child care facilities, family child care providers and public libraries related to limiting voluntary assistance with immigration enforcement activity to the fullest extent possible consistent with federal and state law. Public schools, state postsecondary educational institutions, health care facilities, child care facilities, family child care providers and public libraries must adopt the published policies and guidance or establish equivalent policies and guidance within 6 months of the Attorney General's publishing of the model policies and guidance.