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Date: (Filing No. H-)

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
132ND LEGISLATURE
SECOND REGULAR SESSION**

HOUSE AMENDMENT “ ” to COMMITTEE AMENDMENT “A” to H.P. 1491, L.D. 2212, “An Act Making Supplemental Appropriations and Allocations from the General Fund and Other Funds for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2026 and June 30, 2027”

Amend the amendment by inserting after Part HHHH the following:

'PART III

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

PART 32

IMMIGRATION INFORMATION SHARING

CHAPTER 641

IMMIGRATION STATUS

§26001. Short title

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

§26002. Definitions

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

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

HOUSE AMENDMENT

1 **2. Government entity.** "Government entity" means a state government entity, state
2 government entity official, local government entity, local government entity official, law
3 enforcement agency or law enforcement agency official.

4 **3. Immigration detainer.** "Immigration detainer" means a facially sufficient written
5 or electronic request issued by a federal immigration agency using that agency's official
6 form to request that another law enforcement agency detain a person based on probable
7 cause to believe that the person to be detained is a removable alien under federal
8 immigration law, including detainers issued pursuant to 8 United States Code, Sections
9 1226 to 1232 and 8 United States Code, Section 1357. For the purposes of this subsection,
10 an immigration detainer is facially sufficient if:

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

14 B. The federal immigration agency's official form is incomplete and fails to indicate
15 on its face that the federal immigration agency has probable cause to believe that the
16 person to be detained is a removable alien under federal immigration law, but is
17 supported by an affidavit, order or other official documentation, such as a Form I-200
18 Warrant for Arrest of Alien or a Form I-205 Warrant of Removal and Deportation, or
19 a successor warrant or other warrant authorized by federal law, that indicates that the
20 federal immigration agency has probable cause to believe that the person to be detained
21 is a removable alien under federal immigration law.

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

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

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

32 **7. Law enforcement agency official.** "Law enforcement agency official" means a
33 person having official duties as a representative, agent or employee of a law enforcement
34 agency.

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

37 **9. Local government entity official.** "Local government entity official" means a
38 person having official duties as a representative, agent or employee of a local government
39 entity.

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

1 11. State government entity official. "State government entity official" means a
2 person having official duties as a representative, agent or employee of a state government
3 entity.

4 **§26003. Prohibited practices regarding immigration enforcement**

5 A state government entity, local government entity or law enforcement agency may not
6 adopt or maintain a law, ordinance, resolution, rule, regulation, policy, directive, order,
7 practice or procedure, formal or informal, written or unwritten, that prohibits or materially
8 restricts the state government entity, local government entity or law enforcement agency
9 from complying with or assisting in the enforcement of immigration law, including, but not
10 limited to, prohibiting or materially restricting the state government entity, local
11 government entity or law enforcement agency from prohibiting or otherwise materially
12 restricting any state government entity, local government entity or law enforcement agency
13 from assisting in the enforcement of immigration law. This section applies to prohibitions
14 or restrictions on:

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

16 **2. Information relating to status.** Transmitting, requesting or receiving information
17 relating to immigration status, lawful or unlawful, of any person to or from any federal
18 immigration agency;

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

21 **4. Exchanging information.** Exchanging information relating to immigration status
22 with another local government entity or state government entity or a federal immigration
23 agency;

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

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

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

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

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

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

40 **§26004. Complaint process; appeals**

41 **1. Resident complaints and Legislator requests submitted to Attorney General.**
42 A resident of the State may submit a complaint to the Attorney General asserting a violation

1 of section 26003 by a government entity. The complaint must be in writing and in a form
2 and manner as prescribed by the Attorney General. A member of the Legislature may
3 request that the Attorney General investigate and issue an opinion as to whether a
4 government entity has violated section 26003.

5 **2. Attorney General investigation.** After receiving a complaint or request under
6 subsection 1, the Attorney General shall investigate and determine whether a violation of
7 section 26003 has occurred. If after the investigation the Attorney General determines that
8 a violation of section 26003 has occurred, the Attorney General shall issue an opinion that
9 a violation has occurred. The Attorney General shall make the opinion available to the
10 public.

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

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

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

22 **§26005. Duty to report**

23 A state government entity official, local government entity official, law enforcement
24 agency official or person holding public office shall report a violation of section 26003 by
25 submitting a complaint to the Attorney General pursuant to section 26004, subsection 1. A
26 person who reports a violation under this section is protected under the federal
27 Whistleblower Protection Act of 1989.

28 **§26006. Implementation**

29 This chapter must be implemented in a manner consistent with federal laws regulating
30 immigration, protecting the civil rights of all persons and respecting the privileges and
31 immunities of citizens of the United States. In complying with the requirements of this
32 chapter, a government entity may not consider a person's race, color or national origin,
33 except to the extent permitted by the United States Constitution and the Constitution of
34 Maine.

35 **Sec. III-2. Appropriations and allocations.** The following appropriations and
36 allocations are made.

37 **ATTORNEY GENERAL, DEPARTMENT OF THE**

38 **Administration - Attorney General 0310**

39 Initiative: Provides funding for one Assistant Attorney General position, one part-time
40 Attorney General Detective position and related costs to administer and enforce the
41 provisions of this legislation.

42 **GENERAL FUND** **2025-26** **2026-27**

1	POSITIONS - LEGISLATIVE COUNT	0.000	1.500
2	Personal Services	\$0	\$272,756
3	All Other	\$0	\$12,500
4			
5	GENERAL FUND TOTAL	<u>\$0</u>	<u>\$285,256</u>

6

7 Amend the amendment by relettering or renumbering any nonconsecutive Part letter or
8 section number to read consecutively.

9

SUMMARY

10 This amendment establishes prohibitions concerning restricting the sharing and use of
11 immigration and citizenship information. It prohibits restricting the enforcement of federal
12 immigration law. It establishes a complaint process and a duty to report violations of these
13 provisions.

14 **SPONSORED BY:** _____

15 **(Representative SMITH, K.)**

16 **TOWN: Palermo**