



132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1971

H.P. 1315

House of Representatives, May 13, 2025

**An Act to Protect Workers in This State by Clarifying the
Relationship of State and Local Law Enforcement Agencies with
Federal Immigration Authorities**

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative DHALAC of South Portland.
Cosponsored by Senator TALBOT ROSS of Cumberland and
Representatives: ABDI of Lewiston, DEBRITO of Waterville, HASENFUS of Readfield, LEE
of Auburn, MACIAS of Topsham, RANA of Bangor, SATO of Gorham, YUSUF of Portland.

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

2 **Sec. 1. 5 MRSA c. 337-E** is enacted to read:

3 **CHAPTER 337-E**

4 **IMMIGRATION**

5 **§4761. Definitions**

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

8 **1. Civil immigration warrant.** "Civil immigration warrant" means a warrant for a
9 violation of federal civil immigration law.

10 **2. Department of Homeland Security.** "Department of Homeland Security" means
11 the United States Department of Homeland Security, or its successor agency, and any of
12 its component agencies, including the United States Immigration and Customs
13 Enforcement and the United States Customs and Border Protection.

14 **3. Hold request.** "Hold request" means a request issued by an immigration authority
15 to a local law enforcement agency, including an immigration detainer, that the law
16 enforcement agency maintain custody of a person in the law enforcement agency's custody
17 beyond the time the person would otherwise be eligible for release in order to facilitate
18 transfer to the immigration authority.

19 **4. Immigration authority.** "Immigration authority" means a federal, state or local
20 officer, employee or other person performing immigration enforcement functions,
21 including the Department of Homeland Security.

22 **5. Immigration detainer.** "Immigration detainer" means a written request, including
23 a civil or administrative warrant, issued on behalf of the Department of Homeland Security
24 to a federal, state or local law enforcement agency to provide notice of release of and to
25 detain an individual based on an inquiry into immigration status or an alleged violation of
26 a civil immigration law, including detainers issued pursuant to 8 Code of Federal
27 Regulations, Section 287.7 or 236.1, or on a Department of Homeland Security form
28 requesting voluntary notification of a pending release of a person identified by the
29 Department of Homeland Security as a suspected priority alien or requesting a law
30 enforcement agency to voluntarily take action to maintain custody of a detained person.

31 **6. Immigration enforcement.** "Immigration enforcement" means any effort to
32 investigate, enforce or assist in the investigation or enforcement of any federal civil
33 immigration law and includes any effort to investigate, enforce or assist in the investigation
34 or enforcement of any violations of Title 8 of the United States Code.

35 **7. Inmate.** "Inmate" means an individual in the custody of a law enforcement agency.

36 **8. Law enforcement agency.** "Law enforcement agency" means an agency in the State,
37 including an employee or agent of the agency, charged with enforcement of state, county
38 or municipal laws or with managing custody of detained persons in the State and includes
39 but is not limited to municipal police departments, sheriff's departments, the State Police,

1 a university or college campus police department, safety department or the equivalent, the
2 Department of Corrections and the Department of Public Safety.

3 **§4762. Prohibited activities**

4 **1. Prohibited activities.** A law enforcement agency may not:

5 A. Except as provided in subsection 2, use agency or department money or personnel
6 to investigate, interrogate, detain, detect, stop, arrest or search a person for immigration
7 enforcement purposes, including:

8 (1) Inquiring into a person's immigration status;

9 (2) Detaining a person on the basis of a hold request;

10 (3) Providing information regarding the person's release date unless that
11 information is available to the public;

12 (4) Providing personal information about the person, including the person's home
13 address or work address;

14 (5) Making or intentionally participating in an arrest based upon a hold request;

15 (6) Assisting immigration authorities in activities described in 8 United States
16 Code, Section 1357(a)(3); or

17 (7) Performing the functions of an immigration authority;

18 B. Place a law enforcement officer under the supervision of a federal agency or employ
19 a law enforcement officer deputized as a special federal officer or special federal
20 deputy for immigration enforcement;

21 C. Use an agent or employee of an immigration authority as an interpreter for local law
22 enforcement agency matters regarding a person in the law enforcement agency's
23 custody;

24 D. Transfer a person to an immigration authority unless authorized by a court order or
25 criminal warrant; or

26 E. Provide office space within a law enforcement agency facility for use by an
27 immigration authority for a generalized search of or inquiry about an inmate.

28 With the exception of willful or wanton misconduct, a law enforcement agency that acts in
29 good faith compliance with this section in releasing a person subject to a hold request is
30 immune from civil or criminal liability as a result of making the release.

31 **2. Permitted activities.** Notwithstanding the provisions of subsection 1, if an activity
32 does not violate a policy of the law enforcement agency or a state or local law or policy of
33 the jurisdiction in which the agency is operating, a law enforcement agency may:

34 A. Investigate, take enforcement action against or detain a person upon reasonable
35 suspicion of or arrest a person for a violation of 8 United States Code, Section 1326
36 that may be subject to the enhancement specified under 8 United States Code, Section
37 1326(b)(2) and that is detected during an unrelated law enforcement activity. A transfer
38 to an immigration authority under this paragraph is permitted only if authorized by a
39 court order or criminal warrant;

1 B. Respond to a request from an immigration authority for information about a specific
2 person's criminal history, including a previous criminal arrest or conviction or similar
3 public criminal history record information accessed under Title 16, chapter 7, when
4 otherwise permitted by state law;

5 C. Conduct enforcement or investigative duties associated with a joint law enforcement
6 task force, including the sharing of confidential information with another law
7 enforcement agency, for the purpose of a task force investigation, if:

8 (1) The primary purpose of the joint law enforcement task force is not immigration
9 enforcement;

10 (2) The enforcement or investigative duties are primarily related to a violation of
11 state or federal law unrelated to immigration enforcement; and

12 (3) Participation in the task force by the law enforcement agency does not violate
13 any state or local law or policy to which the agency is subject;

14 D. Make an inquiry into information necessary to certify an individual identified as a
15 potential crime or trafficking victim for a visa pursuant to 8 United States Code, Section
16 1101(a)(15)(T) or 1101(a)(15)(U) or to comply with 18 United States Code, Section
17 922(d)(5);

18 E. Give an immigration authority access to interview an individual in the custody of
19 the agency; or

20 F. Arrest or detain a person upon a hold request if the person:

21 (1) Has been convicted of murder or a Class A, B or C crime;

22 (2) Is subject to pending criminal charges when bail has not been set;

23 (3) Is subject to an outstanding arrest warrant;

24 (4) Is identified as a possible match in the federal terrorist screening database or
25 similar database;

26 (5) Is subject to a final order of deportation or removal issued by a federal
27 immigration authority; or

28 (6) Presents an unacceptable risk to public safety as determined by the law
29 enforcement agency.

30 **3. Detention solely for immigration enforcement.** If a person is being detained solely
31 for the purposes of immigration enforcement, the person must be released as soon as
32 possible and may be detained no longer than 48 hours, excluding Saturdays, Sundays and
33 federal holidays.

34 **4. State employees.** A state employee, other than law enforcement officers, judges and
35 counsel for defendants in criminal proceedings, may not inquire about a person's
36 immigration status unless:

37 A. Determining the person's immigration status is necessary for the determination of
38 program, service or benefit eligibility or the provision of state services; or

39 B. The state employee is required by federal or state law or by court order to inquire
40 about the person's immigration status.

1 **5. Exceptions.** This section does not prohibit:

2 A. A law enforcement agency from sending to or requesting or receiving from an
3 immigration authority information regarding the immigration status of a person or
4 maintaining or exchanging that information with any other federal, state or local
5 governmental entity under 8 United States Code, Section 1373 or 1644; or

6 B. A law enforcement agency from asserting the agency's own jurisdiction over a
7 criminal law enforcement matter.

8 **§4763. Duties of custodial law enforcement agencies**

9 **1. Custodial duties.** A law enforcement agency shall for an inmate in the agency's
10 custody:

11 A. In advance of an interview between the inmate and an immigration authority
12 regarding a civil immigration violation, provide the inmate with a written consent form
13 that explains the purpose of the interview, that the interview is voluntary and that the
14 inmate may decline the interview or be interviewed only with the inmate's attorney
15 present. The consent form must be written in the primary language of the inmate and
16 read to the inmate by a person who is not an immigration authority. This paragraph
17 does not establish a right of counsel that otherwise does not exist in law; and

18 B. Upon receiving a hold request, provide a copy of the request to the inmate and
19 inform the inmate whether the agency intends to comply with the request.

20 **2. Custodial prohibitions.** A law enforcement agency may not:

21 A. Restrict access to an in-custody educational or rehabilitative program or good
22 behavior credit-earning opportunity on the sole basis of citizenship or immigration
23 status, including whether the inmate is in removal proceedings or an immigration
24 authority has issued a hold request or civil immigration warrant against the inmate; or

25 B. Consider citizenship or immigration status as a factor in determining an inmate's
26 custodial classification level, including whether the person is in removal proceedings
27 or an immigration authority has issued a hold request or civil immigration warrant
28 against the inmate.

29 **§4764. Records**

30 A law enforcement agency shall retain indefinitely a copy of a hold request and any
31 other request along with any accompanying information or documentation provided by an
32 immigration authority and information on the inmate subject to the hold request, including:

33 **1. Race.** The inmate's race;

34 **2. Gender.** The inmate's gender;

35 **3. Birthplace.** The inmate's place of birth;

36 **4. Date and time of arrest.** The inmate's date and time of arrest;

37 **5. Charges.** All of the inmate's charges of arrest;

38 **6. Receipt of hold request.** The date and time of receipt of the hold request;

39 **7. Custody.** The date and time that the inmate was taken into custody by the
40 immigration authority acting under authority of the hold request;

