

Date:

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JUDICIARY

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STATE OF MAINE HOUSE OF REPRESENTATIVES 132ND LEGISLATURE FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” to H.P. 1097, L.D. 1656, “An Act to Facilitate Compliance with Federal Immigration Law by State and Local Government Entities”

Amend the bill in section 1 in Pt. 32 in c. 641 in §26002 in subsection 6 in the last line (page 2, line 10 in L.D.) by inserting after the following: "Safety." the following: "Law enforcement agency" does not include any person designated by the State Court Administrator pursuant to Title 4, section 17, subsection 15 to provide court security services.'

Amend the bill in section 1 in Pt. 32 in c. 641 in §26002 in subsection 10 in the last line (page 2, line 20 in L.D.) by inserting after the following: "State." the following: "State government entity" does not include the judicial branch.'

Amend the bill in section 1 in Pt. 32 in c. 641 in §26004 in the headnote in the first line (page 3, line 20 in L.D.) by striking out the following: "; appeals"

Amend the bill in section 1 in Pt. 32 in c. 641 in §26004 by striking out all of subsection 2 (page 3, lines 27 to 32 in L.D.) and inserting the following:

'2. Attorney General investigation; enforcement action. The Attorney General shall investigate each complaint and request received under subsection 1. If the Attorney General believes that a violation of section 26003 has occurred, the Attorney General shall bring an action in Superior Court to enjoin the state government entity, local government entity or law enforcement agency from violating section 26003. A person that violates the terms of an injunction issued under this subsection is subject to a civil penalty of \$500 for each day that a violation occurs.'

Amend the bill in section 1 in Pt. 32 in c. 641 in §26004 by striking out all of subsection 3 (page 3, lines 33 to 43 in L.D.).

Amend the bill in section 1 in Pt. 32 in c. 641 in §26005 in the indented paragraph in the last 2 lines (page 4, lines 5 and 6 in L.D.) by striking out the following: "the federal Whistleblower Protection Act of 1989." and inserting the following: 'the Whistleblowers' Protection Act.'

Amend the bill by inserting after section 1 the following:

'Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

ATTORNEY GENERAL, DEPARTMENT OF THE

Administration - Attorney General 0310

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

GENERAL FUND	2025-26	2026-27
POSITIONS - LEGISLATIVE COUNT	0.000	1.500
Personal Services	\$0	\$272,756
All Other	\$0	\$12,500
GENERAL FUND TOTAL	\$0	\$285,256

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

SUMMARY

This amendment, which is the minority report of the committee, makes the following changes to the bill.

1. It excludes the judicial branch and court security services from the scope of the bill.
2. It provides that a state government entity official, local government entity official, law enforcement agency official or person holding public office who reports a violation to the Attorney General is protected by the state Whistleblowers' Protection Act, not the federal Whistleblower Protection Act of 1989, as in the bill.
3. It replaces the provisions of the bill governing the process for enjoining violations of the bill's provisions. Under the amendment, if the Attorney General believes that a violation of the bill's provisions has occurred, the Attorney General must bring an action in Superior Court to enjoin the violation. A person that violates the terms of an injunction issued by the Superior Court is subject to a civil penalty of \$500 for each day that a violation occurs.
4. It also adds an appropriations and allocations section.

FISCAL NOTE REQUIRED

(See attached)