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MEJ Testimony in *opposition* to LD 1707, An Act to Require a Person to Be a United States Citizen to Receive State or Local Financial Assistance and to Ensure Municipal Compliance with Federal Immigration Laws

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Senator Ingwersen, Representative Meyer and members of the Health and Human Services Committee. My name is Dina Malual and I am a Policy Advocate with Maine Equal Justice (MEJ), a nonprofit legal aid provider working to increase economic security, opportunity, and equity for people in Maine. Today we are testifying in opposition to LD 1707.

LD 1707 would prohibit noncitizens from receiving any form of financial assistance from the State or municipality and penalizes the latter for refusing or prohibiting the exchange of information with federal immigration authorities.

This bill raises a number of constitutional concerns, specifically violations to the Tenth Amendment. It also undermines the present laws concerning noncitizen eligibility for public benefits. Lastly, it fails to acknowledge the very real contributions by immigrants to Maine's economy.

Forcing municipalities to cooperate with federal agencies is a direct violation of the Tenth Amendment. The Tenth Amendment outlines the relationship between federal and state government, reserving unspecified power given to the federal government to the State.¹ This bill would force municipalities to engage with federal immigration enforcement or forfeit state-municipal revenue sharing. LD 1707 blurs the lines between state and federal responsibilities and requires a state to surrender its right to support its citizens.

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<https://www.law.cornell.edu/constitution-conan/amendment-10/overview-of-tenth-amendment-rights-reserved-to-the-states-and-the-people>

In addition to cooperating with federal agencies, municipalities would receive federal oversight but not any *additional* federal financial assistance. This agreement does not warrant additional support to municipalities, it simply grants federal agencies the privilege to interfere with local matters when convenient. This bill prioritizes federal interests over local needs.

There are currently significant restrictions on access to public benefits funded by the federal government, including programs such as SNAP, TANF and Medicaid. This limitation is mainly due to the Personal Responsibility and Work Opportunity Act of 1996 (PRWORA) that changed the eligibility of noncitizens for public assistance, creating two categories of immigrants for the purpose of federal benefit eligibility: qualified and not qualified.² Access to many of the aforementioned programs are challenging and current eligibility is decreasing under current administration; we do not need to further decrease the number of noncitizens who are eligible for public benefits.

MaineCare, the State's free and low-cost health insurance, is available to people with qualifying income who are under the age of 21 or who are pregnant, regardless of immigration status. This policy change passed in 2021 and implemented in 2022 uses state funds to cover noncitizens, otherwise unable to access affordable healthcare. That coverage is at risk if this bill passes. LD 1707 would make it so noncitizen Mainers, regardless of their economic contributions, would not be eligible for any financial assistance like state-funded MaineCare.

Additionally, this bill further prohibits municipalities from receiving state reimbursement for its use of General Assistance following noncompliance with federal agencies. This would punish municipalities for following our long-established law allowing eligible immigrants to utilize this vital program to meet their basic needs.

Our state-funded programs that mirror SNAP and TANF for certain immigrants who are eligible due to a hardship exemption could also be impacted. It is important that immigrant eligibility to these state-funded MaineCare, SNAP, and TANF programs as well as state/municipally-funded GA all passed with bipartisan support and have been continued by multiple legislatures.

There are many barriers for immigrants to access public benefits, as eligibility requirements differ from program to program. In addition to income eligibility guidelines that must be met by all participants, immigrant eligibility often depends on your immigration status, whether your immigration application has been

² <https://www.migrationpolicy.org/content/immigrants-public-benefits-us>

approved or is in-process, how long you have resided in the U.S., or whether you have a job.

We are disappointed to see such harmful legislation that seeks to make it harder for people to call Maine home. Our communities benefit when we support people who live in our state to feed their families, access health care, go to school, work good jobs, and continue to grow our economy.

This bill further divides Maine residents and targets noncitizens. LD 1707 undermines the Constitution and dismisses the economic contributions of immigrants in Maine. Municipalities should maintain their right to govern independently and for these reasons, we urge you to reject LD 1707.