

Scott Carter
Augusta
LD 2106

Testimony of
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Comments on LD 2106.

I have provided suggested language in the text below to expand the definition of law enforcement officer to include ICE and Border Patrol. I also include elementary, Junior and high schools to not be entered.

ICE and Border patrol ARE the reason for any violence recently. If we had a crime problem in Maine, our officers are damn capable of dealing with it.

ICE and Border patrol out.

Thank you
Scott Carter

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

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and Whereas, the recent increase in immigration law enforcement activity in the State has raised questions for persons working in the education, health care and child care sectors; and

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

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

Whereas, immigration law enforcement activity in the State is ongoing and persons working in education, health care and child care require immediate guidance and support to include security services for the safety of themselves and others; and

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

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

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

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

1. Voluntary consent prohibited. A person acting on behalf of a public school or state postsecondary educational institution may not provide voluntary consent permitting a law enforcement officer engaged in immigration enforcement or supporting immigration enforcement to enter a nonpublic area of the public school or state postsecondary educational institution or access, review or obtain student records. For the purposes of this section, "law enforcement officer" has the same meaning as in Title 16, section 638, subsection 2 and includes officers from the Federal Immigration and Customs Enforcement (ICE) and US Border Patrol, and for all public elementary, junior and high schools per Title 20-A: EDUCATION

Part 1: GENERAL PROVISIONS

Chapter 1: GENERAL PROVISIONS

§1. Definitions "elementary and middle schools" as defined in Title 20-A, §1, Title 20-A, §3604 and "state postsecondary educational institution" has the same meaning as in section 10014, subsection 1, paragraph B.

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

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

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

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

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

1. Voluntary consent prohibited. A person acting on behalf of a health care facility may not provide voluntary consent permitting a law enforcement officer and/or officers from the Federal Immigration and Customs Enforcement (ICE) and US Border Patrol engaged in immigration enforcement or supporting immigration enforcement to enter a nonpublic area of the health care facility or access, review or obtain patient records. For the purposes of this section, "health care facility" has the same meaning as in Title 5, section 19201, subsection 2-B and "law enforcement officer" has the same meaning as in Title 16, section 638, subsection 2. This includes officers from the Federal Immigration and Customs Enforcement (ICE) and US Border Patrol.

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

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

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

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

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

1. Voluntary consent prohibited. A person acting on behalf of a child care facility or family child care provider may not provide voluntary consent permitting a law enforcement officer and/or officers from the Federal Immigration and Customs Enforcement (ICE) and US Border Patrol engaged in immigration enforcement or supporting immigration enforcement to enter a nonpublic area of the child care facility or home of a family child care provider or access, review or obtain records held by a child care facility or family child care provider. For the purposes of this section, "law enforcement officer" has the same meaning as in Title 16, section 638, subsection 2. This includes officers from the Federal Immigration and Customs Enforcement (ICE) and US Border Patrol.2. Exceptions. This section does not prevent compliance with a valid judicial warrant authorizing entry into a nonpublic area of a child care facility or home of a family child care provider or a search of records held by the child care facility or family child care provider or compliance under exigent circumstances.

This section may not be construed to prohibit or restrict any person acting on behalf

of a child care facility or family child care provider from sending to or receiving from federal immigration authorities information regarding the citizenship or immigration status, lawful or unlawful, of an individual; from requesting from federal immigration authorities information regarding the citizenship or immigration status, lawful or unlawful, of an individual; or from maintaining or exchanging that information with any other federal, state or local government entity pursuant to 8 United States Code, Sections 1373 and 1644.

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

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

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

1. Voluntary consent prohibited. A person acting on behalf of a public library may not provide voluntary consent permitting a law enforcement officer and/or officers from the Federal Immigration and Customs Enforcement (ICE) and US Border Patrol engaged in immigration enforcement or supporting immigration enforcement to enter a nonpublic area of the public library or access, review or obtain records held by the public library. For the purposes of this section, "law enforcement officer" has the same meaning as in Title 16, section 638, subsection 2. This includes officers from the Federal Immigration and Customs Enforcement (ICE) and US Border Patrol.

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

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

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

Sec. 5. Model policies and guidance for public schools, state postsecondary educational institutions, health care facilities, child care facilities, family child care providers and public libraries. By January 1, 2027, the Attorney General shall publish model policies and guidance for public schools and state postsecondary educational institutions, health care facilities, child care facilities, family child care providers and public libraries related to limiting voluntary or required assistance with immigration enforcement activity at public schools and state postsecondary educational institutions pursuant to the Maine Revised Statutes, Title 20-A, section 14; health care facilities pursuant to Title 22, section 1730-B; child care facilities and family child care providers pursuant to Title 22, section 8309; and public libraries pursuant to Title 27, section 109-A to the fullest extent possible consistent with federal and state law and ensuring that public schools, state postsecondary educational institutions, health care facilities, child care facilities, family child care providers and public libraries remain safe and accessible to all state residents regardless of immigration status. Public schools, state postsecondary educational institutions, health care facilities, child care facilities, family child care providers and public libraries shall 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.

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 and/or officers from the Federal Immigration and Customs Enforcement (ICE) and US Border Patrol 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.