

## TESTIMONY IN SUPPORT OF

L.D. 2106

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### AN ACT TO PROHIBIT THE DISCLOSURE OF NONPUBLIC RECORDS WITHOUT PROPER JUDICIAL REVIEW

January 29, 2026

Senator Carney, Representative Kuhn, and distinguished members of the Judiciary Committee, I am Hutson Hayward. I am the vice chair of the MSAD 75 School Board, and currently serve on the Board of Directors for the Maine School Boards Association. Today I am speaking on behalf of MSBA's Legislative Committee in strong support of L.D. 2106.

At a time of confusion and uncertainty regarding immigration enforcement, our Association strongly believes that L.D. 2106 will provide clear, consistent guidance to Maine schools and front-line staff members regarding their legal responsibilities. As school officials, we hold student safety as our most important duty, and L.D. 2106 would allow us to better protect our students and keep our schools safe.

This bill would largely mirror the policies and guidelines already in place in many Maine schools: that an immigration agent may enter a nonpublic space inside a school building, like a hallway, classroom or cafeteria, only if they have a valid judicial warrant.

We believe this is appropriate. A judicial warrant requires an agent to provide evidence for why they must enter private property, and a nonpartisan federal judge must affirm that there is probable cause. Decades of legal precedent – and the Constitution – have acknowledged this standard.

We believe this standard is appropriate, and L.D. 2106 would codify that standard in Maine law. As one legal expert put it to us: L.D. 2106 would make sure that an independent judge – not a school secretary – would determine whether an immigration official should enter a school building.

If these decisions are left up to our school staff to enforce, they could be placed in intimidating, uncomfortable situations. A school secretary could be confronted by immigration officers and be forced to make a split-second decision at a time of confusion and fear. Clear state statute and guidance could help de-escalate these situations.

Our Association believes L.D. 2106 would offer clarity and peace-of-mind to the entire school community – students, families and staff members. Teachers, nurses, school secretaries, and counselors would have crystal-clear guidance on how to respond to situations involving immigration enforcement. Families would feel more confident about

sending their child to school, knowing that an agent could not arbitrarily enter a nonpublic area of a school building. Students would feel safer and more secure in their classrooms.

At a time of so much uncertainty for schools, our Association believes we must do everything possible to provide safety, clarity, and calm for all our students. The passage of L.D. 2106 would help us achieve those goals, and for those reasons, our Association strongly urges you to pass this bill.

Thank you for your time and consideration. I'm happy to take any questions you might have.