



May 22, 2019

**Testimony in Opposition to  
LD 1449, An Act To Facilitate Compliance with Federal Immigration Law  
by State and Local Government Entities**

Senator Carpenter, Representative Bailey, and Members of the Committee on the Judiciary:

My name is Beth Stickney. I am a resident of Portland and the Executive Director of MeBIC, a coalition of businesses and economic development leaders concerned with ensuring that Maine can attract, retain, and integrate immigrants into our state so that we have the vibrant communities and robust workforce that Maine needs. I am also an immigration lawyer with more than thirty years of experience, and have worked on immigration related issues in Maine for over 20 years.

**LD 1449 is a solution in search of a problem and is unnecessary.** To my knowledge, and I pay close attention, not a single State agency or local government entity in Maine has any policies, practices, or ordinances in place that prevent communicating or sharing information with Federal immigration agencies to the extent required by law, or with any other federal agencies as needed for services or benefits eligibility determinations. While certain counties have limitations on complying with “detainer” requests from the Department of Homeland Security (DHS) concerning incarcerated individuals, those counties are not failing to communicate or cooperate with DHS. DHS is free to pick up the small number of incarcerated noncitizens when they are being released from confinement. Only when DHS asks that counties hold noncitizens beyond the moment when there is no longer any basis to do so under Maine’s criminal laws do the counties correctly release them, as required by the U.S. Constitution. Doing otherwise would expose the counties to costly litigation, since DHS detainer requests do not supersede the Constitutional due process rights of noncitizens.

In addition, **LD 1449 sends absolutely the wrong message** that Maine is hostile to immigrants. At a time of historically low unemployment in Maine (below 4% for a record-setting 40<sup>th</sup> month in a row) coupled with increasing retirements by the “Baby Boomer” generation, Maine needs to send the message that we welcome immigrants. LD 1449 does just the opposite.

LD 1449 inaccurately implies that local governmental entities are not already communicating and cooperating with federal immigration authorities. By doing so, it effectively would encourage employees of local governmental entities who are so inclined, including law enforcement officers, to profile persons of color or those they encounter who may have foreign accents or imperfect English. Individuals on professional or seasonal worker visas, permanent residents, refugees, asylees, foreign tourists, and even naturalized U.S. citizens may find themselves unreasonably delayed and intimidated, even in routine traffic stops, as local

officials not versed in the dozens upon dozens of legal immigration statuses decide that they should be confirming an individual's status just because s/he "seems" foreign.

Maine is competing against 49 other states to attract and retain workers, including immigrant workers, to offset our worsening labor shortage. Word spreads quickly in immigrant communities, and word of profiling will likely result in immigrants choosing to live and work in other states where they feel more welcome, to the detriment of Maine's economy.

LD 1449 sees a problem where none exists, and throws a sledgehammer at it. If Maine is to have growing communities and a vibrant workforce that necessarily must include immigrants, LD 1449 should not become law. I urge this Committee to vote unanimously to reject LD 1449.