



TESTIMONY OF ALICIA REA, ESQ.
LD 1329 – Ought Not to Pass

**An Act to Identify United States Citizenship Status on Driver's
Licenses and Nondriver Identification Cards**

Joint Standing Committee on Transportation
April 30, 2025

PO Box 7860
Portland, ME 04112

(207) 774-5444
ACLUMaine.org
@ACLUMaine

Senator Nangle, Representative Crafts, and distinguished members of the Joint Standing Committee on Transportation, good morning. My name is Alicia Rea, and I am a policy fellow for the American Civil Liberties Union of Maine, a statewide organization committed to advancing and preserving civil liberties guaranteed by the Maine and U.S. Constitutions. On behalf of our members, I urge you to oppose LD 1329.

This bill would require driver's licenses and nondriver identification cards to state whether the licensee or card holder is a citizen of the United States, a noncitizen of the United States or an asylum seeker.¹

Under current law, “[t]he Secretary of State may not issue a license to an applicant unless the applicant presents to the Secretary of State valid documentary evidence of legal presence in the United States.”² By seeking to add a requirement to Maine-issued identification cards and licenses, the legislation would do nothing more than label already vulnerable members of community.

The consequences of requiring a statement of citizenship on driver's licenses and nondriver identification cards are potentially significant. State and local law enforcement, engaging in routine traffic enforcement, would be placed on alert to the immigration status of drivers and passengers in the course of their work. Retailers and restaurants would be notified of the immigration status of patrons while checking IDs for purchases of alcohol. Cannabis retailers would be on notice as to the status of their customers in purchases of products that are legal in Maine. Needlessly informing officials and businesses of somebody's citizenship status when it is not legally relevant is an invitation to discriminate.

¹ In suggesting that the three categories of “citizen,” “noncitizen,” and “asylum-seeker” are mutually exclusive, the bill contradicts itself. That is because all asylum-seekers *are* noncitizens.

² 29-A.M.R.S. §1301(2-A).

Moreover, while it is unclear why the sponsor believes citizenship status should be included in Maine-issued identification cards or driver's licenses, but, if assisting federal immigration enforcement is the goal, the proposed change appears to suggest that local law enforcement would be required to comply with and support the enforcement of federal immigration law, including "immigration detainer" requests. In fact, under federal law, local law enforcement agencies are not required to hold anyone based on an ICE detainer alone.³ Since ICE detainers are not based on probable cause, state and local law enforcement agencies violate the Fourth Amendment when they hold a person solely on an immigration detainer.⁴

Unlike criminal warrants, which are supported by a judicial determination of probable cause, ICE detainers are issued by ICE enforcement agents without any authorization or oversight by a judge or other neutral decision-maker. It is well settled that a person's presence in the United States in violation of immigration laws on its own is not a crime. Immigration violations are generally civil, not criminal, in nature. As the United States Supreme Court has explained, "[a]s a general rule, it is not a crime for a removable alien to remain present in the United States," and, thus, "[i]f the police stop someone based on nothing more than possible removability, the usual predicate for an arrest is absent."⁵

Without the safeguards of a judicial warrant, ICE detainers have repeatedly resulted in the illegal detention of people who have not violated any immigration laws and are not deportable, including United States citizens and immigrants who are lawfully present in the United States. In fact, between 2008 and 2012 alone, ICE erroneously issued more than 800 detainers for United States citizens and over 28,000 for legal permanent residents.⁶

When local law enforcement violates the Fourth Amendment and unlawfully detains a person, the locality remains liable for the violation including any subsequent litigation and civil liability, even if the person is held at the request of federal law enforcement. The lack of any neutral

³ See 8 C.F.R. §§287.7(a), (d); *Galarza v. Szalczyk*, 745 F.3d 634, 645 (3d Cir. 2014).

⁴ See, e.g., *Morales v. Chadbourne*, 235 F.Supp.3d 388 (D. R.I. 2017) (holding "the state did indeed violate Ms. Morales' constitutional rights" when it held U.S. citizen for 24 hours on ICE detainer); see also *Roy v. Cty. of Los Angeles*, 2018 WL 914773, *23.

⁵ See *Arizona v. United States*, 567 U.S. 387, 407 (2012).

⁶ According to ICE's own records, between 2008 and 2012, it issued detainers against 834 U.S. citizens and 28,489 legal permanent residents. TRAC Immigration, *ICE Detainers Placed on U.S. Citizens and Legal Permanent Residents*, Feb. 20, 2013, available at <https://trac.syr.edu/immigration/reports/311/>.



decision-makers and due process make ICE detainers a threat to all people in the country, and Maine law enforcement should not participate in this dangerous practice, which makes our communities less safe and ties up local resources that we need. Our towns and cities are already stretched thin, and cannot afford the risk of taking on these substantial legal and financial liabilities.

We urge you to vote ought not to pass on LD 1329.

Thank you for your time and attention.