

DATE: January 29, 2026
TO: Joint Standing Committee on Judiciary
FROM: Sam Warren, UMS Chief External & Governmental Affairs Officer
RE: **LD 2106, *An Act to Prohibit the Disclosure of Nonpublic Records Without Proper Judicial Review***

Senator Carney, Representative Kuhn, and members of the Joint Standing Committee on Judiciary: The public university campuses and statewide centers of the University of Maine System (UMS) are generally open to the public. However, certain restricted-access spaces, such as residence halls and research labs, are designated only for authorized students, employees, and visitors to protect the safety and integrity of people, programs, and operations. Non-university law enforcement officials generally are not allowed to access restricted spaces without a warrant or being accompanied by authorized university personnel.

Each UMS university has a designated point of initial contact for outside law enforcement — typically the university's police chief, if there is one — who is well-versed in the institution's obligations and protocols for managing such interactions and upholding the law. If a non-university law enforcement officer approaches a UMS student or employee on campus or while performing university duties in the community, our guidance states that the student or employee should remain calm and ask the officer to wait while they contact the designated point of contact for assistance. Additionally, if a student or employee sees someone else being approached by non-university law enforcement, they are encouraged to refrain from interfering and to immediately contact the designated point of initial contact.

Student Records and Rights: The federal Family Educational Rights and Privacy Act (FERPA) protects the privacy rights of the nation's students, including those enrolled in Maine's public universities. Under [FERPA](#), the only information about a student that the university can release without the student's express permission is the student's directory information, with very limited exceptions, including:

- Students may opt out of having their directory information released, in whole or in part. Directory information includes: name, mailing address (at time of admission unless updated by the student), university email-address, program of study, dates of attendance, degrees and awards received (including dates), most recent previous educational institution attended, participation in sports

and activities, class level, enrollment status (full/part-time), and personal athletic statistical data.

- The university regularly releases directory information (unless a “FERPA hold” has been requested by the student). For example, UMS provides directory information upon request to the media and also to the Legislature for the purpose of sending letters of congratulations to recognize Maine students who achieve the Dean’s List. The university is legally obligated to release FERPA-protected information, including directory information, in certain circumstances, such as pursuant to a subpoena or court order.
- Records related to students and employees on various federally issued visas (F, M, and J), must, per federal regulations, be made available to federal officials. Additionally, federal officials can conduct visa compliance checks under existing federal regulations.

Our System is concerned that, as currently drafted, LD 2106 could create a conflict between State law and federal law enforcement, placing our employees and students in the middle and potentially at risk. “Immigration enforcement,” “voluntary consent,” and “nonpublic” are not defined, and it may not always be clear whether a particular law enforcement action is actually related to immigration.

Additionally, the bill provides an exception for “exigent circumstances” that is consistent with the Fourth Amendment jurisprudence that permits limited warrantless search or seizure under narrowly defined conditions. However, our employees — including student workers — are generally not trained or authorized to assess the complex constitutional standard of whether exigent circumstances exist — a determination typically made by trained law enforcement officers and, ultimately, a judge.

Furthermore, the legislation appears to impose personal liability on any individual employee who provides access to immigration officers, though it is unclear regarding enforcement and potential penalties, including as it pertains to the responsibilities of our public institutions as an employer.

UMS is committed to following all applicable laws and regulations. If the Committee moves this legislation forward, we urge you to address the important technical and implementation questions raised in our testimony. Doing so is necessary to ensure we have clarity on our obligations under the law, can provide appropriate training to our thousands of employees, and can continue upholding public safety and access to educational opportunity at Maine’s public universities.