



Good morning Senator Baldacci, Representative Matlack and distinguished Members of the Joint Standing Committee on State and Local Government. My name is Mark Dion. I am a resident of Portland and I am before you today to testify in **Opposition** to LD 1340, *An Act To Ensure Municipal Compliance With Federal Immigration Laws*.

Thank you for this opportunity to provide this Committee with my view on this proposed legislation. To begin I have worn many hats in my public service career but today I base my comments on the lessons learned from thirty-two years in law enforcement. The corner stone to policing is trust. Without public trust, the police are severely limited in their ability to effectively protect and serve the communities in their care.

If there is no trust, there is no communication and with no communication the community is isolated and fearful of the very institution intended to keep them safe. Moreover, if a community is fearful of the police, then criminals are free to exploit that community isolation with little or no possibility of ever having to face legal consequences for their unlawful behavior.

Consider the long road of fear that we have traveled to create and maintain the trust necessary to convince women and children that their claims of sexual assault or domestic violence would be "heard" and acted upon. How many of these survivors isolated themselves from their right for justice because they were afraid of how the system would treat them? And their fear was aggravated by community sentiments that came together with a narrative that cast women and children as somehow responsible for their own victimization.

Today we are on a similar road of fear and distrust. This Bill is a tangible symbol of a narrative meant to exclude, isolate, demean and if possible, punish those whose only intent was to realize a better life for their families.

Portland's ordinance: *Prohibition on Immigration Status Checks* is our City's attempt to answer the challenge of policing an increasingly diverse population. While this Ordinance is clearly the target of this LD, I believe our Ordinance represents a policy that enhances our capacity to deliver public safety to all our residents, citizen and non-citizen alike without the implicit fear that our promise to protect is simply a snare set for federal authorities.

I have included a copy of the Ordinance for your review.

If you read the language, it outlines a structure for how the Portland Police and ICE will interact on the question of criminal aliens. The Ordinance assumes, correctly, that differences in racial identity, language, custom or clothing for that matter are not valid reasons for the initiation of a police contact for the sole purpose of conducting an immigration check of an individual. The Ordinance emphasizes keeping as much enforcement discretion as possible in the hands of local police rather than ICE, without ruling out some level of cooperation when felony crimes occur. It also allows cooperation in the investigation of non-citizens where there is a reasonable belief that they have violated federal immigration law.

Let me give you a quick fact check as to why immigration is the subject of municipal policy for Portland. Currently, the Portland School District serves 2,300 students who come from homes where English is not the primary language. These students represent about 34% of Portland Public Schools' total enrollment. Of the 60 languages spoken, the 10 most common are, in order: Somali, Arabic, Spanish, French, Portuguese, Kirundi, Vietnamese, Khmer, Kinyarwanda and Acholi. The dynamic of evolving multi-culturalism is and will dominate our city's commitment and yours to define what do we mean when we say we believe in equal protection under the law.

None of this lends itself to sound bite politics which I dare say is the basis for this LD.

We are a home rule state. It is a bedrock of our legislative policy making. Home rule grants municipalities the power to determine their own goals and to act quickly on issues of local concern. It allows municipalities to experiment with the exercise of their state constitutional right to provide for public safety and the general welfare. Home rule underpins every major piece of legislation considered by this body

We have legalized marijuana, and it remains a federal crime. Federal agents enforce federal drug laws while local police assist municipalities license cannabis retail outlets. Municipalities can choose to opt in or out of the legal marijuana market. Its complicated but it works because each level of government respects the other government's right to take on new strategies to meet the needs of their constituencies. If we can sort it out for a plant, can't we sort it out for families?

I ask for no less, under the principle of home rule, for my neighbors from Somalia, south Sudan, Cambodia, Syria, Afghanistan, Burundi and countless other places too far away from our ability to truly understand the conviction and determination it took to find safe harbor in Maine, that they be allowed to continue in their pursuit of their vision of the American dream without the threat of unwarranted police intrusion into their lives.

Our tradition of immigration and our belief in the rule of law are not contradictory. We can and should be able to create communities that respect and practice both ideals as a path to a better future for everyone.

/s/ Mark N. Dion, Esq.

**DIVISION 2. PROHIBITION ON IMMIGRATION STATUS CHECKS** Sec. 2-21. Inquiries into immigration status.

- (a) Unless otherwise required by law or by court order, no city police officer or employee shall inquire into the immigration status of any person, or engage in activities for the purpose of ascertaining the immigration status of any person.
- (b) City police officers and employees are exempted from the limitations imposed by subsection (a) above with respect to a person whom the officer or employee has reasonable suspicion to believe:
  - 1. has previously been deported from the United States; and City of Portland,
  - 2. is again present in the United States; and
  - 3. is committing or has committed a felony (Class A, B or C) criminal law violation.