

The Maine Heritage Policy Center Testimony to Oppose LD 1589

“An Act To Protect the Liberty of Immigrants and Asylum Seekers in Maine”

Senator Carpenter, Representative Bailey and distinguished members of the Committee on Judiciary, my name is Adam Crepeau and I am a policy analyst at The Maine Heritage Policy Center. Thank you for the opportunity to testify in opposition to LD 1589.

The Maine Heritage Policy Center opposes LD 1589, known as the Maine Liberty Act, because it would violate local control and decision making as well as make it more difficult for federal immigration officials to enforce immigration laws. To be clear, we are not against immigration to the United States or the state of Maine and acknowledge that our state’s economy desperately needs people to fill vacant positions throughout all sectors. In fact, we agree with part of the preamble of this bill that states, “immigrants are valuable and essential members of the community of the state.” We simply believe state and local law enforcement should continue to have the ability to coordinate with federal authorities for immigration enforcement purposes.

According to the Center for Immigration Studies, only eight states are considered sanctuary jurisdictions as of April 2019.¹ Also, Maine is estimated to have had less than 5,000 unauthorized immigrants living in the state in 2016.² While the vast majority of these individuals likely had good intentions when immigrating to the United States and Maine, it would not be fair to allow them to live in Maine while we actively turn people away at our borders.

As a point of reference, over 279,000 individuals were deemed inadmissible at United States ports of entry in 2018.³ In order to maintain integrity in the immigration process, we need to ensure individuals are not avoiding the formal procedure. In other words, there is no point in having a formal process if we continue to make it more difficult for federal agencies, who rely on state and local information sharing, to do their jobs effectively and enforce the law.

Further, municipalities already have an option to forego assisting federal agencies with immigration enforcement. In 1997, the United States Supreme Court ruled in *Printz v. United States* that the federal government cannot require state and local officials to enforce federal law

¹ <https://cis.org/Map-Sanctuary-Cities-Counties-and-States>

² <https://www.pewhispanic.org/interactives/u-s-unauthorized-immigrants-by-state/>

³ <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics>

based on the dual sovereignty principle that separates the state and federal governments.⁴ Thus, individual municipalities already have the authority to choose whether they want to enforce federal law or avoid it altogether. The Maine Heritage Policy Center believes a one size fits all approach would be contrary to local control and home rule in Maine. To be clear, this legislation attempts to enforce dual sovereignty between the state and federal government by contradicting the dual sovereignty principle when it sets a state-level mandate on local law enforcement.

Proponents of this legislation will state that unauthorized entry into the United States is not a crime and should not be treated as such. However, unauthorized immigrants are subject to fines and up to six months in prison for their first offense.⁵ The Maine Heritage Policy Center believes local law enforcement should have the option to work with the federal government to enforce immigration law.

Because this bill would take decision making power away from localities and makes it more difficult to enforce federal immigration law, The Maine Heritage Policy Center urges the committee to vote, “Ought Not to Pass” on LD 1589. Thank you.

⁴ <https://www.law.cornell.edu/supct/html/95-1478.ZO.html>

⁵ <https://www.law.cornell.edu/uscode/text/8/1325#a>