



July 30, 2026

By Email

Aaron Frey
Attorney General
Office of the Maine Attorney General
aaron.frey@maine.gov

Dear Attorney General Frey:

In 2025 and 2026, the Maine legislature passed a package of important bills to protect Maine's immigrant residents and ensure they can access state and local services without fear that doing so will lead them or their loved ones to be targeted by federal immigration authorities. This suite of laws, collectively referred to here as the ICE Out laws,¹ went into effect on July 29, 2026. Because the Attorney General's office both plays a pivotal role in enforcing these new laws, and is itself governed by these laws, the ACLU of Maine writes to provide interpretation and analysis of these new laws.²

ICE Out of Policing creates new obligations for law enforcement.

One of the new laws, referenced here as ICE Out of Policing and codified at 5 M.R.S. §§ 4761-4765, imposes new obligations on law enforcement agencies and officers.

ICE Out of Policing regulates any agency within Maine that is "charged with enforcement of state, county or municipal laws or with managing custody of detained persons," including any "employee" or "agent" working for them. 5 M.R.S. § 4761(7) (definition of "law enforcement agency"). This is an intentionally broad definition that

¹ These laws are collectively referred to as the ICE Out laws for ease of reference, but they apply broadly to limit Maine law enforcement's collaboration immigration enforcement activities regardless of which agency is carrying them out, whether that is U.S. Immigration and Customs Enforcement ("ICE"), Homeland Security Investigations ("HSI," a subcomponent of ICE), U.S. Customs and Border Protection ("CBP"), U.S. Border Patrol (a subcomponent of CBP), any other part of the U.S. Department of Homeland Security ("DHS," the executive department in which ICE and CBP are housed), or any other federal, state, or local agency carrying out civil immigration enforcement activities.

² We are concurrently sending equivalent letters to every municipal police department and sheriff's office in Maine, as well as various state-level law enforcement agencies.

encompasses municipal police departments, sheriffs' offices, and various state-level law enforcement agencies (including, but not limited to, Maine State Police and the Maine DEA). Because the Attorney General can (among other powers) “direct[] and control” all investigations of “homicides” and “drug-related investigations of public officials or [] law enforcement” (5 M.R.S. § 200-A), it is a law enforcement agency for the purposes of Sections 4761-4765.

The obligations imposed by ICE Out of Policing.

The new laws are complex and this letter should **not** be interpreted as a comprehensive summary. Instead, it is an attempt to highlight the sections most relevant to the Attorney General. An exhaustive analysis of the new ICE Out laws can be viewed on our website.³

ICE Out of Policing places strict limits on how and when Maine law enforcement can participate in “immigration enforcement” and assist “immigration authorit[ies].” Both terms are defined very broadly (*see* 5 M.R.S. § 4761):

- “immigration enforcement” means “*any* effort to investigate, enforce or assist in the investigation or enforcement” of federal civil immigration law.”
- “immigration authority” means *any* “person performing immigration enforcement functions,” whether that person is a “federal, state or local officer.”

The law goes on to bar several specific behaviors. In particular:

The law expressly prohibits state and local law enforcement agencies, including their employees, from “detaining a person solely on the basis of a hold request.” 5 M.R.S. § 4763(1)(A)(2). The term “hold request” is broadly defined as any request by an immigration authority that a law enforcement agency “maintain custody . . . beyond the time the person would otherwise be eligible for release in order to facilitate transfer to the immigration authority.” 5 M.R.S. § 4761(2).⁴

The law bans Maine law enforcement from detaining people based on any request by an immigration authority—whether a formal ICE detainer or a more informal hold request—for ***any period of time*** beyond when they are otherwise eligible for release. Such actions are a prohibited use of agency personnel under the law.

³ *ACLU of Maine Legal Analysis of Maine’s New ICE Out Laws*, <https://www.aclumaine.org/app/uploads/2026/07/ACLU-of-Maine-ICE-Out-Legal-Analysis.pdf> (last updated June 30, 2026).

⁴ *See also* 5 M.R.S. § 4763(1) (banning law enforcement from “us[ing] agency or department money or personnel to ... detain ... a person for immigration enforcement purposes”).

The law expressly prohibits law enforcement from “transfer[ring] a person to an immigration authority” unless the immigration authority has a court order or criminal warrant. 5 M.R.S. § 4763(1)(D); *see also* § 4763(1)(A)(6) (prohibiting law enforcement agencies from “assisting immigration authorities in activities described in” 8 U.S.C. § 1357(a)(3), which purports to authorize warrantless federal actions “within a reasonable distance” of U.S. borders, including boarding and searching for non-citizens in vehicles or other conveyances).

The law expressly prohibits law enforcement agencies from “assisting immigration authorities in activities described in” 8 U.S.C. § 1357(a)(3), which purports to authorize warrantless federal actions “within a reasonable distance” of U.S. borders including boarding and searching for non-citizens in vehicles or other conveyances without a warrant. 5 M.R.S. § 4763(1)(A)(6). This provision prohibits law enforcement from assisting Border Patrol or other immigration authorities from conducting warrantless stops of vehicles within the so-called “100-mile” zone of the border.

Finally, the law broadly bans “us[ing] agency or department money or personnel to investigate . . . a person for immigration enforcement purposes.” Given the broad scope of the law’s definition of “immigration enforcement,” this bars local law enforcement from initiating any inquiry or alert to federal immigration authorities regarding whether someone is suspected of violating civil immigration law.

The Attorney General plays a pivotal role in enforcing ICE Out laws.

As your office is doubtlessly already aware, the ICE Out laws also impose various rule-making requirements on the Attorney General’s Office. In particular, the Office must:

- Promulgate model policies and guidance limiting immigration authorities’ ability to access schools’ nonpublic areas and education records to the fullest extent possible, in order to “ensur[e] that facilities providing services to members of the public remain safe and accessible to all state residents regardless of immigration status.” 5 M.R.S. § 200-O(1). These model school policies must be published by September 27, 2026. 5 M.R.S. § 200-O(2)(A).
- Promulgate model policies and guidance limiting immigration authorities’ ability to access healthcare facilities’ nonpublic areas and protected healthcare records to the fullest extent possible, in order to “ensur[e] that facilities providing services to members of the public remain safe and accessible to all state residents regardless of immigration status.” 5 M.R.S. § 200-O(1). These model healthcare policies must be published by September 27, 2026. 5 M.R.S. § 200-O (2)(A).
- Promulgate model policies and guidance limiting immigration authorities’ ability to access libraries’ nonpublic areas and protected library patron records

to the fullest extent possible, in order to “ensur[e] that facilities providing services to members of the public remain safe and accessible to all state residents regardless of immigration status.” 5 M.R.S. § 200-O (1). These model library policies must be published by September 27, 2026. 5 M.R.S. §200-O(2)(A).

We appreciate your attention. The ACLU of Maine is prepared to be a resource for any additional information you require on these new laws.

Respectfully,

Michael Kebede
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ACLU of Maine Foundation
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Maine

July 30, 2026

By Email

Catherine Curtis
Deputy Secretary of State
catherine.curtis@maine.gov
Department of the Secretary of State
Maine Bureau of Motor Vehicles

Emily Cook
Deputy Secretary of State
emily.cook@maine.gov
Department of the Secretary of State
Maine Bureau of Motor Vehicles

Dear Deputy Secretary Curtis and Deputy Secretary Cook:

In 2025 and 2026, the Maine legislature passed a package of important bills to protect Maine's immigrant residents and ensure they can access state and local services without fear that doing so will lead them or their loved ones to be targeted by federal immigration authorities. This suite of laws, collectively referred to here as the "ICE Out laws",¹ went into effect on July 29, 2026. The ACLU of Maine writes to inform your agency of its new obligations under these laws.²

The Bureau of Motor Vehicles is regulated by ICE Out of Policing.

One of the new laws, referenced here as ICE Out of Policing and codified at 5 M.R.S. §§ 4761-4765, specifically imposes new obligations on the Bureau of Motor Vehicles.

ICE Out of Policing regulates any agency within Maine that is "charged with enforcement of state, county or municipal laws" including any "employee" or "agent" working for them. 5 M.R.S. § 4761(7) (definition of "law enforcement agency"). Because the Secretary of State has the power to "appoint and deputize motor vehicle

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² We are concurrently sending equivalent letters to every municipal police department and sheriff's office in Maine, as well as various state-level law enforcement agencies.

detectives . . . [who have] the powers and duty to enforce all provisions” of the Maine Criminal Code (29-A M.R.S. §152(2)) and exerts that power through the Bureau of Motor Vehicles, the Bureau is governed by the requirements of Sections 4761-4765.

Importantly, although our shorthand for these laws identifies “ICE”, that agency’s name in “ICE Out” laws serves as a shorthand for the broader array of agencies that enforce immigration law. The law regulates cooperation with any federal “immigration authority”, which means any “person performing immigration enforcement functions,” whether that person is a “federal, state or local officer.” This, of course, includes ICE and Border Patrol, but can also include many other agencies.

The obligations imposed by ICE Out of Policing.

The new law is complex and this letter should **not** be interpreted as a comprehensive summary. Instead, it is an attempt to highlight the sections most relevant to your agency. A more comprehensive analysis of the new ICE Out laws is available on our website.³

ICE Out of Policing broadly bans “us[ing] agency or department money or personnel to investigate . . . a person for immigration enforcement purposes.” Given the broad scope of the law’s definition of “immigration enforcement,” this bars the Bureau from initiating any inquiry or alert to federal immigration authorities regarding whether someone is suspected of violating civil immigration law. 5 M.R.S. § 4763(1)(D).

Of note, the law defines “immigration authority” broadly: it means *any* “person performing immigration enforcement functions,” whether that person is a “federal, state or local officer.”

We appreciate your attention. The ACLU of Maine is prepared to be a resource for any additional information you require on these new laws.

Respectfully,

Michael Kebede
Policy Director
ACLU of Maine Foundation
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³ ACLU Maine, ICE Out of Maine, Website, *available at* <https://www.aclumaine.org/campaigns-initiatives/ice-out-of-maine/>.



Maine

July 30, 2026

By Email

Commissioner Amanda Beal

amanda.beal@maine.gov

Department of Agriculture, Conservation and Forestry

Dear Commissioner Beal:

In 2025 and 2026, the Maine legislature passed a package of important bills to protect Maine's immigrant residents and ensure they can access state and local services without fear that doing so will lead them or their loved ones to be targeted by federal immigration authorities. This suite of laws, collectively referred to here as the "ICE Out laws",¹ went into effect on July 29, 2026. The ACLU of Maine writes to inform your agency of its new obligations under these laws.²

The Department of Agriculture, Conservation and Forestry is regulated by ICE Out of Policing.

One of the new laws, referenced here as ICE Out of Policing and codified at 5 M.R.S. §§ 4761-4765, specifically imposes new obligations on the Department.

ICE Out of Policing regulates any agency within Maine that is "charged with enforcement of state, county or municipal laws" including any "employee" or "agent" working for them. 5 M.R.S. § 4761(7) (definition of "law enforcement agency"). Because the Department of Agriculture, Conservation and Forestry is empowered by

¹ These laws are collectively referred to as the ICE Out laws for ease of reference, but they apply broadly to limit Maine law enforcement's collaboration immigration enforcement activities regardless of which agency is carrying them out, whether that is U.S. Immigration and Customs Enforcement ("ICE"), Homeland Security Investigations ("HSI," a subcomponent of ICE), U.S. Customs and Border Protection ("CBP"), U.S. Border Patrol (a subcomponent of CBP), any other part of the U.S. Department of Homeland Security ("DHS," the executive department in which ICE and CBP are housed), or any other federal, state, or local agency carrying out civil immigration enforcement activities.

² We are concurrently sending equivalent letters to every municipal police department and sheriff's office in Maine, as well as various state-level law enforcement agencies.

statute to “enforce[] all statutes delegating responsibility to the commissioner” (7 M.R.S. § 2), the Department is governed by the requirements of Sections 4761-4765.

Importantly, although our shorthand for these laws identifies “ICE”, that agency’s name in “ICE Out” laws serves as a shorthand for the broader array of agencies that enforce immigration law. The law regulates cooperation with any federal “immigration authority”, which means any “person performing immigration enforcement functions,” whether that person is a “federal, state or local officer.” This, of course, includes ICE and Border Patrol, but can also include many other agencies.

The obligations imposed by ICE Out of Policing.

The new law is complex and this letter should **not** be interpreted as a comprehensive summary. Instead, it is an attempt to highlight the sections most relevant to your department. A more comprehensive analysis of the new ICE Out laws is available on our website.³

ICE Out of Policing broadly bans “us[ing] agency or department money or personnel to investigate . . . a person for immigration enforcement purposes.” Given the broad scope of the law’s definition of “immigration enforcement,” this bars the Department of Agriculture, Conservation and Forestry, its offices, divisions, employees, and agents from initiating any inquiry or alert to federal immigration authorities regarding whether someone is suspected of violating civil immigration law. Accordingly, this practice must have ceased by July 29, 2026, the effective date of the law. 5 M.R.S. § 4763(1)(D).

Of note, the law defines “immigration authority” broadly: it means *any* “person performing immigration enforcement functions,” whether that person is a “federal, state or local officer.”

We appreciate your attention. The ACLU of Maine is prepared to be a resource for any additional information you require on these new laws.

Respectfully,

Michael Kebede
Policy Director
ACLU of Maine Foundation
mkebede@aclumaine.org
(207) 774-5444

³ ACLU Maine, ICE Out of Maine, Website, *available at* <https://www.aclumaine.org/campaigns-initiatives/ice-out-of-maine/>.



Maine

July 30, 2026

By Email

Commissioner Laura Fortman
Department of Labor
laura.a.fortman@maine.gov

Dear Commissioner Fortman:

In 2025 and 2026, the Maine legislature passed a package of important bills to protect Maine's immigrant residents and ensure they can access state and local services without fear that doing so will lead them or their loved ones to be targeted by federal immigration authorities. This suite of laws, collectively referred to here as the ICE Out laws,¹ went into effect on July 29, 2026. The ACLU of Maine writes to inform the Department of Labor of its new obligations under these laws.²

The Department of Labor is regulated by ICE Out of Policing.

One of the new laws, referenced here as ICE Out of Policing and codified at 5 M.R.S. §§ 4761-4765, specifically imposes new obligations on the Department.

ICE Out of Policing regulates any agency within Maine that is "charged with enforcement of state, county or municipal laws or with managing custody of detained persons," including any "employee" or "agent" working for them. 5 M.R.S. § 4761(7) (definition of "law enforcement agency"). Because the Department is empowered by statute to "enforce[] all laws regulating the employment of minors" (among other laws) and can conduct an "investigation" to enforce those laws (26 M.R.S. § 42), the Department of Labor is governed by the requirements of Sections 4761-4765.

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² We are concurrently sending equivalent letters to every municipal police department and sheriff's office in Maine, as well as various state-level law enforcement agencies.

The obligations imposed by ICE Out of Policing.

The new law is complex and this letter should **not** be interpreted as a comprehensive summary. Instead, it is an attempt to highlight the sections most relevant to the Department. An exhaustive analysis of the new ICE Out laws can be viewed on our website.³

ICE Out of Policing places strict limits on how and when Maine law enforcement can participate in “immigration enforcement” and assist “immigration authorit[ies].” Both terms are defined very broadly (*see* 5 M.R.S. § 4761):

- “immigration enforcement” means “*any* effort to investigate, enforce or assist in the investigation or enforcement” of federal civil immigration law.”
- “immigration authority” means *any* “person performing immigration enforcement functions,” whether that person is a “federal, state or local officer.”

The law goes on to bar several specific behaviors. In particular:

The law expressly prohibits state and local law enforcement agencies, including their employees, from “detaining a person solely on the basis of a hold request.” 5 M.R.S. § 4763(1)(A)(2). The term “hold request” is broadly defined as any request by an immigration authority that a law enforcement agency “maintain custody . . . beyond the time the person would otherwise be eligible for release in order to facilitate transfer to the immigration authority.” 5 M.R.S. § 4761(2).⁴

The law bans Maine law enforcement from detaining people based on any request by an immigration authority—whether a formal ICE detainer or a more informal hold request—for ***any period of time*** beyond when they are otherwise eligible for release. Such actions are a prohibited use of agency personnel under the law. Any law enforcement agencies that have a practice of honoring ICE holds or detainers and detaining individuals for a period beyond the time they are otherwise eligible for release (whether a few minutes, a few hours, or a few days) must discontinue this practice.

The law expressly prohibits law enforcement agencies from “assisting immigration authorities in activities described in” 8 U.S.C. § 1357(a)(3), which purports to authorize warrantless federal actions “within a reasonable distance” of U.S. borders including boarding and searching for non-citizens in vehicles or other conveyances

³ *ACLU of Maine Legal Analysis of Maine’s New ICE Out Laws*, <https://www.aclumaine.org/app/uploads/2026/07/ACLU-of-Maine-ICE-Out-Legal-Analysis.pdf> (last updated June 30, 2026).

without a warrant. 5 M.R.S. § 4763(1)(A)(6). This provision prohibits law enforcement from assisting Border Patrol or other immigration authorities from conducting warrantless stops of vehicles within the so-called “100-mile” zone of the border.

Finally, the law broadly bans “us[ing] agency or department money or personnel to investigate . . . a person for immigration enforcement purposes.” Given the broad scope of the law’s definition of “immigration enforcement,” this bars local law enforcement from initiating any inquiry or alert to federal immigration authorities regarding whether someone is suspected of violating civil immigration law.

We appreciate your attention. The ACLU of Maine is prepared to be a resource for any additional information you require on these new laws.

Respectfully,

Michael Kebede
Policy Director
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Maine

July 30, 2026

By Email

Commissioner Carl Wilson
Department of Marine Resources
carl.wilson@maine.gov

Dear Commissioner Wilson:

In 2025 and 2026, the Maine legislature passed a package of important bills to protect Maine's immigrant residents and ensure they can access state and local services without fear that doing so will lead them or their loved ones to be targeted by federal immigration authorities. This suite of laws, collectively referred to here as the ICE Out laws,¹ went into effect on July 29, 2026. The ACLU of Maine writes to inform the Department of Marine Resources of its new obligations under these laws.²

The Department of Marine Resources is regulated by ICE Out of Policing.

One of the new laws, referenced here as ICE Out of Policing and codified at 5 M.R.S. §§ 4761-4765, specifically imposes new obligations on the Department.

ICE Out of Policing regulates any agency within Maine that is "charged with enforcement of state, county or municipal laws or with managing custody of detained persons," including any "employee" or "agent" working for them. 5 M.R.S. § 4761(7) (definition of "law enforcement agency"). Because the Department is empowered by statute to "administer and enforce the laws and regulations necessary" to "conserve and develop marine resources, to conduct and sponsor scientific research [and] to advise and cooperate with local, state and federal officials concerning activities in

¹ These laws are collectively referred to as the ICE Out laws for ease of reference, but they apply broadly to limit Maine law enforcement's collaboration immigration enforcement activities regardless of which agency is carrying them out, whether that is U.S. Immigration and Customs Enforcement ("ICE"), Homeland Security Investigations ("HSI," a subcomponent of ICE), U.S. Customs and Border Protection ("CBP"), U.S. Border Patrol (a subcomponent of CBP), any other part of the U.S. Department of Homeland Security ("DHS," the executive department in which ICE and CBP are housed), or any other federal, state, or local agency carrying out civil immigration enforcement activities.

² We are concurrently sending equivalent letters to every municipal police department and sheriff's office in Maine, as well as various state-level law enforcement agencies.

coastal waters” (12 M.R.S. § 6021), the Department of Marine Resources is governed by the requirements of Sections 4761-4765.

The obligations imposed by ICE Out of Policing.

The new laws are complex and this letter should **not** be interpreted as a comprehensive summary. Instead, it is an attempt to highlight the sections most relevant to the Department. An exhaustive analysis of the new ICE Out laws can be viewed on our website.³

ICE Out of Policing places strict limits on how and when Maine law enforcement can participate in “immigration enforcement” and assist “immigration authorit[ies].” Both terms are defined very broadly (*see* 5 M.R.S. § 4761):

- “immigration enforcement” means “*any* effort to investigate, enforce or assist in the investigation or enforcement” of federal civil immigration law.”
- “immigration authority” means *any* “person performing immigration enforcement functions,” whether that person is a “federal, state or local officer.”

The law goes on to bar several specific behaviors. In particular:

The law expressly prohibits state and local law enforcement agencies, including their employees, from “detaining a person solely on the basis of a hold request.” 5 M.R.S. § 4763(1)(A)(2). The term “hold request” is broadly defined as any request by an immigration authority that a law enforcement agency “maintain custody . . . beyond the time the person would otherwise be eligible for release in order to facilitate transfer to the immigration authority.” 5 M.R.S. § 4761(2).⁴

The law bans Maine law enforcement from detaining people based on any request by an immigration authority—whether a formal ICE detainer or a more informal hold request—for ***any period of time*** beyond when they are otherwise eligible for release. Such actions are a prohibited use of agency personnel under the law. Any law enforcement agencies that have a practice of honoring ICE holds or detainers and detaining individuals for a period beyond the time they are otherwise eligible for release (whether a few minutes, a few hours, or a few days) must discontinue this practice.

³ *ACLU of Maine Legal Analysis of Maine’s New ICE Out Laws*, <https://www.aclumaine.org/app/uploads/2026/07/ACLU-of-Maine-ICE-Out-Legal-Analysis.pdf> (last updated June 30, 2026).

⁴ *See also* 5 M.R.S. § 4763(1) (banning law enforcement from “us[ing] agency or department money or personnel to . . . detain . . . a person for immigration enforcement purposes”).

The law expressly prohibits law enforcement from “transfer[ring] a person to an immigration authority” unless the immigration authority has a court order or criminal warrant. 5 M.R.S. § 4763(1)(D); *see also* § 4763(1)(A)(6) (prohibiting law enforcement agencies from “assisting immigration authorities in activities described in” 8 U.S.C. § 1357(a)(3), which purports to authorize warrantless federal actions “within a reasonable distance” of U.S. borders, including boarding and searching for non-citizens in vehicles or other conveyances).

Even if an initial stop is justified at its inception (for example, it was a valid traffic stop under state law), the law prohibits police from extending the stop at an immigration authority’s request for any period beyond the time needed for the original traffic stop. This practice violates the law’s express ban on “making or intentionally participating in an arrest based upon a hold request,” 5 M.R.S. § 4763(1)(A)(5); *see also* § 4761(2) (broadly defining “hold request” as a request issued by immigration authority that law enforcement agencies “maintain custody ... beyond the time the person would otherwise be eligible for release in order to facilitate transfer to the immigration authority.”) This practice likewise violates the law’s general prohibition on “us[ing]” agency “money or personnel to ... investigate, interrogate, detain, detect, stop, arrest, or search a person for immigration enforcement purposes.” *Id.* § 4763(1)(A).

The law expressly prohibits law enforcement agencies from “assisting immigration authorities in activities described in” 8 U.S.C. § 1357(a)(3), which purports to authorize warrantless federal actions “within a reasonable distance” of U.S. borders including boarding and searching for non-citizens in vehicles or other conveyances without a warrant. 5 M.R.S. § 4763(1)(A)(6). This provision prohibits law enforcement from assisting Border Patrol or other immigration authorities from conducting warrantless stops of vehicles within the so-called “100-mile” zone of the border.

Finally, the law broadly bans “us[ing] agency or department money or personnel to investigate ... a person for immigration enforcement purposes.” Given the broad scope of the law’s definition of “immigration enforcement,” this bars local law enforcement from initiating any inquiry or alert to federal immigration authorities regarding whether someone is suspected of violating civil immigration law.

We appreciate your attention. The ACLU of Maine is prepared to be a resource for any additional information you require on these new laws.

Respectfully,

Michael Kebede
Policy Director
ACLU of Maine Foundation
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(207) 774-5444



Maine

July 30, 2026

By Email

Commissioner Dale Doughty
Department of Transportation
dale.doughty@maine.gov

Dear Commissioner Doughty:

In 2025 and 2026, the Maine legislature passed a package of important bills to protect Maine's immigrant residents and ensure they can access state and local services without fear that doing so will lead them or their loved ones to be targeted by federal immigration authorities. This suite of laws, collectively referred to here as the ICE Out laws,¹ went into effect on July 29, 2026. The ACLU of Maine writes to inform the Department of Transportation of its new obligations under these laws.²

The Department of Transportation is regulated by ICE Out of Policing.

One of the new laws, referenced here as ICE Out of Policing and codified at 5 M.R.S. §§ 4761-4765, specifically imposes new obligations on the Department.

ICE Out of Policing regulates any agency within Maine that is "charged with enforcement of state, county or municipal laws or with managing custody of detained persons," including any "employee" or "agent" working for them. 5 M.R.S. § 4761(7) (definition of "law enforcement agency"). Because the Department may "appoint" employees to "enforce the statutes . . . which prohibit or restrict prohibit or restrict the passage" of vehicles in certain circumstances (23 M.R.S. § 56), the Department of Transportation is governed by the requirements of Sections 4761-4765.

¹ These laws are collectively referred to as the ICE Out laws for ease of reference, but they apply broadly to limit Maine law enforcement's collaboration immigration enforcement activities regardless of which agency is carrying them out, whether that is U.S. Immigration and Customs Enforcement ("ICE"), Homeland Security Investigations ("HSI," a subcomponent of ICE), U.S. Customs and Border Protection ("CBP"), U.S. Border Patrol (a subcomponent of CBP), any other part of the U.S. Department of Homeland Security ("DHS," the executive department in which ICE and CBP are housed), or any other federal, state, or local agency carrying out civil immigration enforcement activities.

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The obligations imposed by ICE Out of Policing.

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ICE Out of Policing places strict limits on how and when Maine law enforcement can participate in “immigration enforcement” and assist “immigration authorit[ies].” Both terms are defined very broadly (*see* 5 M.R.S. § 4761):

- “immigration enforcement” means “*any* effort to investigate, enforce or assist in the investigation or enforcement” of federal civil immigration law.”
- “immigration authority” means *any* “person performing immigration enforcement functions,” whether that person is a “federal, state or local officer.”

The law goes on to bar several specific behaviors. In particular:

The law expressly prohibits state and local law enforcement agencies, including their employees, from “detaining a person solely on the basis of a hold request.” 5 M.R.S. § 4763(1)(A)(2). The term “hold request” is broadly defined as any request by an immigration authority that a law enforcement agency “maintain custody . . . beyond the time the person would otherwise be eligible for release in order to facilitate transfer to the immigration authority.” 5 M.R.S. § 4761(2).⁴

The law bans Maine law enforcement from detaining people based on any request by an immigration authority—whether a formal ICE detainer or a more informal hold request—for ***any period of time*** beyond when they are otherwise eligible for release. Such actions are a prohibited use of agency personnel under the law. Any law enforcement agencies that have a practice of honoring ICE holds or detainers and detaining individuals for a period beyond the time they are otherwise eligible for release (whether a few minutes, a few hours, or a few days) must discontinue this practice.

The law expressly prohibits law enforcement from “transfer[ring] a person to an immigration authority” unless the immigration authority has a court order or

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⁴ *See also* 5 M.R.S. § 4763(1) (banning law enforcement from “us[ing] agency or department money or personnel to ... detain ... a person for immigration enforcement purposes”).

criminal warrant. 5 M.R.S. § 4763(1)(D); *see also* § 4763(1)(A)(6) (prohibiting law enforcement agencies from “assisting immigration authorities in activities described in” 8 U.S.C. § 1357(a)(3), which purports to authorize warrantless federal actions “within a reasonable distance” of U.S. borders, including boarding and searching for non-citizens in vehicles or other conveyances).

Even if an initial stop is justified at its inception (for example, it was a valid traffic stop under state law), the law prohibits police from extending the stop at an immigration authority’s request for any period beyond the time needed for the original traffic stop. This practice violates the law’s express ban on “making or intentionally participating in an arrest based upon a hold request,” 5 M.R.S. § 4763(1)(A)(5); *see also* § 4761(2) (broadly defining “hold request” as a request issued by immigration authority that law enforcement agencies “maintain custody ... beyond the time the person would otherwise be eligible for release in order to facilitate transfer to the immigration authority.”) This practice likewise violates the law’s general prohibition on “us[ing]” agency “money or personnel to ... investigate, interrogate, detain, detect, stop, arrest, or search a person for immigration enforcement purposes.” *Id.* § 4763(1)(A).

Finally, the law broadly bans “us[ing] agency or department money or personnel to investigate ... a person for immigration enforcement purposes.” Given the broad scope of the law’s definition of “immigration enforcement,” this bars local law enforcement from initiating any inquiry or alert to federal immigration authorities regarding whether someone is suspected of violating civil immigration law.

We appreciate your attention. The ACLU of Maine is prepared to be a resource for any additional information you require on these new laws.

Respectfully,

Michael Kebede
Policy Director
ACLU of Maine Foundation
mkebede@aclumaine.org
(207) 774-5444



Maine

July 30, 2026

By Email

Commissioner Sara Gagné-Holmes
sara.gagneholmes@maine.gov
Maine Department of Health and Human Services

Dear Commissioner Gagné-Holmes:

In 2025 and 2026, the Maine legislature passed a package of important bills to protect Maine's immigrant residents and ensure they can access state and local services without fear that doing so will lead them or their loved ones to be targeted by federal immigration authorities. This suite of laws, collectively referred to here as the "ICE Out laws",¹ went into effect on July 29, 2026. The ACLU of Maine writes to inform your agency of its new obligations under these laws.²

The Department of Health and Human Services is regulated by ICE Out of Policing.

One of the new laws, referenced here as ICE Out of Policing and codified at 5 M.R.S. §§ 4761-4765, specifically imposes new obligations on the Department of Health and Human Services.

ICE Out of Policing regulates any agency within Maine that is "charged with enforcement of state, county or municipal laws" including any "employee" or "agent" working for them. 5 M.R.S. § 4761(7) (definition of "law enforcement agency").

¹ These laws are collectively referred to as the ICE Out laws for ease of reference, but they apply broadly to limit Maine law enforcement's collaboration immigration enforcement activities regardless of which agency is carrying them out, whether that is U.S. Immigration and Customs Enforcement ("ICE"), Homeland Security Investigations ("HSI," a subcomponent of ICE), U.S. Customs and Border Protection ("CBP"), U.S. Border Patrol (a subcomponent of CBP), any other part of the U.S. Department of Homeland Security ("DHS," the executive department in which ICE and CBP are housed), or any other federal, state, or local agency carrying out civil immigration enforcement activities.

² We are concurrently sending equivalent letters to every municipal police department and sheriff's office in Maine, as well as various state-level law enforcement agencies.

Because the Department of Health and Human Services has authority over contract officers,³ Maine Health Data Organization,⁴ Interstate Prescription Monitoring Program Commission,⁵ and many more employees and agents charged with enforcing state law, the Department is governed by the requirements of Sections 4761-4765.

Importantly, although our shorthand for these laws identifies “ICE”, that agency’s name in “ICE Out” laws serves as a shorthand for the broader array of agencies that enforce immigration law. The law regulates cooperation with any federal “immigration authority”, which means any “person performing immigration enforcement functions,” whether that person is a “federal, state or local officer.” This, of course, includes ICE and Border Patrol, but can also include many other agencies.

The obligations imposed by ICE Out of Policing.

The new law is complex and this letter should **not** be interpreted as a comprehensive summary. Instead, it is an attempt to highlight the sections most relevant to your agency. A more comprehensive analysis of the new ICE Out laws is available on our website.⁶

ICE Out of Policing broadly bans “us[ing] agency or department money or personnel to investigate . . . a person for immigration enforcement purposes.” Given the broad scope of the law’s definition of “immigration enforcement,” this bars the Department of Health and Human Services, its offices, divisions, employees, and agents from initiating any inquiry or alert to federal immigration authorities regarding whether someone is suspected of violating civil immigration law. Accordingly, this practice must have ceased by July 29, 2026, the effective date of the law. 5 M.R.S. § 4763(1)(D).

Of note, the law defines “immigration authority” broadly: it means *any* “person performing immigration enforcement functions,” whether that person is a “federal, state or local officer.”

We appreciate your attention. The ACLU of Maine is prepared to be a resource for any additional information you require on these new laws.

Respectfully,

Michael Kebede

³ These officers have limited authority to enforce the laws of retail tobacco sales. 22 M.R.S. § 1556-A.

⁴ The Board of Directors has enforcement authority under 22 M.R.S. § 8705-A.

⁵ The Interstate Prescription Monitoring Program Commission has enforcement authority under 22 M.R.S. § 7270.

⁶ ACLU Maine, ICE Out of Maine, Website, *available at* <https://www.aclumaine.org/campaigns-initiatives/ice-out-of-maine/>.

Policy Director
ACLU of Maine Foundation
mkebede@aclumaine.org
(207) 774-5444



Maine

July 30, 2026

By Email

Commissioner Randall Liberty
Department of Corrections
randall.liberty@maine.gov

Dear Commissioner Liberty:

In 2025 and 2026, the Maine legislature passed a package of important bills to protect Maine's immigrant residents and ensure they can access state and local services without fear that doing so will lead them or their loved ones to be targeted by federal immigration authorities. This suite of laws, collectively referred to here as the "ICE Out laws",¹ went into effect on July 29, 2026. The ACLU of Maine writes to inform the Department of Corrections ("DOC") of its new obligations under these laws.²

ICE Out of Policing regulates the DOC.

One of the new laws, referenced here as ICE Out of Policing and codified at 5 M.R.S. §§ 4761-4765, specifically imposes new obligations on the DOC: the law explicitly identifies the DOC as a law enforcement agency that is covered by the statute. 5 M.R.S. § 4761(7).

The obligations imposed by ICE Out of Policing.

¹ These laws are collectively referred to as the ICE Out laws for ease of reference, but they apply broadly to limit Maine law enforcement's collaboration immigration enforcement activities regardless of which agency is carrying them out, whether that is U.S. Immigration and Customs Enforcement ("ICE"), Homeland Security Investigations ("HSI," a subcomponent of ICE), U.S. Customs and Border Protection ("CBP"), U.S. Border Patrol (a subcomponent of CBP), any other part of the U.S. Department of Homeland Security ("DHS," the executive department in which ICE and CBP are housed), or any other federal, state, or local agency carrying out civil immigration enforcement activities.

² We are concurrently sending equivalent letters to every municipal police department and sheriff's office in Maine, as well as various other state-level law enforcement agencies.

The new law is complex and this letter should **not** be interpreted as a comprehensive summary. Instead, it is an attempt to highlight the sections most relevant to the DOC. An exhaustive analysis of the new ICE Out laws is available on our website.³

ICE Out of Policing places strict limits on how and when Maine law enforcement can participate in “immigration enforcement” and assist “immigration authorit[ies].” Both terms are defined very broadly (*see* 5 M.R.S. § 4761):

- “immigration enforcement” means “*any* effort to investigate, enforce or assist in the investigation or enforcement” of federal civil immigration law.”
- “immigration authority” means *any* “person performing immigration enforcement functions,” whether that person is a “federal, state or local officer.”

The law goes on to bar several specific behaviors. In particular:

ICE Out of Policing expressly prohibits law enforcement agencies from “[p]roviding to immigration authorities information regarding the person’s release date” that is not “available to the public.” 5 M.R.S. § 4763(1)(A)(3); *see also* §4763(1)(A)(4) (prohibiting law enforcement agencies from “[p]roviding to immigration authorities personal information about the person”).

Further, *any* affirmative step DOC facilities take to notify ICE about a person’s anticipated release to aid ICE in arresting that person upon release from a DOC facility is plainly a “use” of agency “money or personnel to ... detain” or “arrest ... a person for immigration enforcement purposes,” which the law also bars. 5 M.R.S. § 4763(1)(A).

Accordingly, Maine law enforcement officers, including jail employees, are now barred from (for example) notifying ICE that a person in custody is expected to post bail the following day, or that an individual is expected to be released following a court appearance that afternoon.

Finally, jails and prisons are no longer required or permitted to hold people arrested for civil immigration violations, under both 5 M.R.S. § 4763(1)(A) and a separate bill codified at 25 M.R.S. § 1502. The legislature enacted this law to clarify that Section 1502’s no-turnback provision does not impose any obligation or confer any authority on Maine jails to accept into custody individuals charged with civil immigration violations by federal immigration authorities.

³ ACLU Maine, ICE Out of Maine, Website, *available at* <https://www.aclumaine.org/campaigns-initiatives/ice-out-of-maine/>.

Because the revised text of Section 1502 makes clear that its no-turnback provision does not extend to individuals held in civil immigration custody, and because the ICE Out of Policing law prohibits jails from holding people in civil immigration custody or any amount of time, Maine DOC must take action to withdraw or revise Correctional Standard P.32.

We appreciate your attention. The ACLU of Maine is prepared to be a resource for any additional information you require on these new laws.

Respectfully,

Michael Kebede
Policy Director
ACLU of Maine Foundation
mkebede@aclumaine.org
(207) 774-5444



July 30, 2026

By Email

Michael Sauschuk

michael.sauschuck@maine.gov

Maine Department of Public Safety

Dear Commissioner Sauschuk:

In 2025 and 2026, the Maine legislature passed a package of important bills to protect Maine's immigrant residents and ensure they can access state and local services without fear that doing so will lead them or their loved ones to be targeted by federal immigration authorities. This suite of laws, collectively referred to here as the "ICE Out laws",¹ went into effect on July 29, 2026. The ACLU of Maine writes to inform your agency of its new obligations under these laws.²

The Department of Public Safety is regulated by ICE Out of Policing.

One of the new laws, referenced here as ICE Out of Policing and codified at 5 M.R.S. §§ 4761-4765, specifically imposes new obligations on the Department of Public Safety: the law explicitly identifies the Department as a law enforcement agency that is covered by the statute. 5 M.R.S. § 4761(7).

Importantly, although our shorthand for these laws identifies "ICE", that agency's name in "ICE Out" laws serves as a shorthand for the broader array of agencies that enforce immigration law. The law regulates cooperation with any federal "immigration authority", which means any "person performing immigration

¹ These laws are collectively referred to as the ICE Out laws for ease of reference, but they apply broadly to limit Maine law enforcement's collaboration immigration enforcement activities regardless of which agency is carrying them out, whether that is U.S. Immigration and Customs Enforcement ("ICE"), Homeland Security Investigations ("HSI," a subcomponent of ICE), U.S. Customs and Border Protection ("CBP"), U.S. Border Patrol (a subcomponent of CBP), any other part of the U.S. Department of Homeland Security ("DHS," the executive department in which ICE and CBP are housed), or any other federal, state, or local agency carrying out civil immigration enforcement activities.

² We are concurrently sending equivalent letters to every municipal police department and sheriff's office in Maine, as well as various state-level law enforcement agencies.

enforcement functions,” whether that person is a “federal, state or local officer.” This, of course, includes ICE and Border Patrol, but can also include many other agencies.

The obligations imposed by ICE Out of Policing.

The new law is complex and this letter should **not** be interpreted as a comprehensive summary. Instead, it is an attempt to highlight the sections most relevant to municipal police departments. A more comprehensive analysis of the new ICE Out laws is available on our website.³

ICE Out of Policing expressly prohibits law enforcement agencies from conducting a traffic stop and then facilitating the transfer of the stopped individuals to immigration custody. 5 M.R.S. § 4763(1)(D).

The law expressly prohibits using an immigration authority as an interpreter for local matters or accepting overtime shifts via Operation Stonegarden to assist with immigration enforcement, and other similar collaboration.

Of note, the law defines “immigration authority” broadly: it means *any* “person performing immigration enforcement functions,” whether that person is a “federal, state or local officer.”

We appreciate your attention. The ACLU of Maine is prepared to be a resource for any additional information you require on these new laws.

Respectfully,

Michael Kebede
Policy Director
ACLU of Maine Foundation
mkebede@aclumaine.org
(207) 774-5444

³ ACLU Maine, ICE Out of Maine, Website, *available at* <https://www.aclumaine.org/campaigns-initiatives/ice-out-of-maine/>.



Maine

July 30, 2026

By Email

Commissioner Timothy E. Peabody
Maine Department of Inland Fisheries & Wildlife
timothy.e.peabody@maine.gov

Dear Commissioner Peabody:

In 2025 and 2026, the Maine legislature passed a package of important bills to protect Maine's immigrant residents and ensure they can access state and local services without fear that doing so will lead them or their loved ones to be targeted by federal immigration authorities. This suite of laws, collectively referred to here as the ICE Out laws,¹ went into effect on July 29, 2026. The ACLU of Maine writes to inform the Department of Inland Fisheries & Wildlife of its new obligations under these laws.²

The Department of Inland Fisheries & Wildlife is regulated by ICE Out of Policing.

One of the new laws, referenced here as ICE Out of Policing and codified at 5 M.R.S. §§ 4761-4765, specifically imposes new obligations on the Department.

ICE Out of Policing regulates any agency within Maine that is "charged with enforcement of state, county or municipal laws or with managing custody of detained persons," including any "employee" or "agent" working for them. 5 M.R.S. § 4761(7) (definition of "law enforcement agency"). Because the Department is empowered by statute to "administra[te] and enforce[] the inland fisheries and wildlife laws" (12

¹ These laws are collectively referred to as the ICE Out laws for ease of reference, but they apply broadly to limit Maine law enforcement's collaboration immigration enforcement activities regardless of which agency is carrying them out, whether that is U.S. Immigration and Customs Enforcement ("ICE"), Homeland Security Investigations ("HSI," a subcomponent of ICE), U.S. Customs and Border Protection ("CBP"), U.S. Border Patrol (a subcomponent of CBP), any other part of the U.S. Department of Homeland Security ("DHS," the executive department in which ICE and CBP are housed), or any other federal, state, or local agency carrying out civil immigration enforcement activities.

² We are concurrently sending equivalent letters to every municipal police department and sheriff's office in Maine, as well as various state-level law enforcement agencies.

M.R.S. § 10103), the Department of Inland Fisheries & Wildlife is governed by the requirements of Sections 4761-4765.

The obligations imposed by ICE Out of Policing.

The new laws are complex and this letter should **not** be interpreted as a comprehensive summary. Instead, it is an attempt to highlight the sections most relevant to the Department. An exhaustive analysis of the new ICE Out laws can be viewed on our website.³

ICE Out of Policing places strict limits on how and when Maine law enforcement can participate in “immigration enforcement” and assist “immigration authorit[ies].” Both terms are defined very broadly (*see* 5 M.R.S. § 4761):

- “immigration enforcement” means “*any* effort to investigate, enforce or assist in the investigation or enforcement” of federal civil immigration law.”
- “immigration authority” means *any* “person performing immigration enforcement functions,” whether that person is a “federal, state or local officer.”

The law goes on to bar several specific behaviors. In particular:

The law expressly prohibits state and local law enforcement agencies, including their employees, from “detaining a person solely on the basis of a hold request.” 5 M.R.S. § 4763(1)(A)(2). The term “hold request” is broadly defined as any request by an immigration authority that a law enforcement agency “maintain custody . . . beyond the time the person would otherwise be eligible for release in order to facilitate transfer to the immigration authority.” 5 M.R.S. § 4761(2).⁴

The law bans Maine law enforcement from detaining people based on any request by an immigration authority—whether a formal ICE detainer or a more informal hold request—for ***any period of time*** beyond when they are otherwise eligible for release. Such actions are a prohibited use of agency personnel under the law. Any law enforcement agencies that have a practice of honoring ICE holds or detainers and detaining individuals for a period beyond the time they are otherwise eligible for release (whether a few minutes, a few hours, or a few days) must discontinue this practice.

³ *ACLU of Maine Legal Analysis of Maine’s New ICE Out Laws*, <https://www.aclumaine.org/app/uploads/2026/07/ACLU-of-Maine-ICE-Out-Legal-Analysis.pdf> (last updated June 30, 2026).

⁴ *See also* 5 M.R.S. § 4763(1) (banning law enforcement from “us[ing] agency or department money or personnel to . . . detain . . . a person for immigration enforcement purposes”).

The law expressly prohibits law enforcement from “transfer[ring] a person to an immigration authority” unless the immigration authority has a court order or criminal warrant. 5 M.R.S. § 4763(1)(D); *see also* § 4763(1)(A)(6) (prohibiting law enforcement agencies from “assisting immigration authorities in activities described in” 8 U.S.C. § 1357(a)(3), which purports to authorize warrantless federal actions “within a reasonable distance” of U.S. borders, including boarding and searching for non-citizens in vehicles or other conveyances).

Even if an initial stop is justified at its inception (for example, it was a valid traffic stop under state law), the law prohibits police from extending the stop at an immigration authority’s request for any period beyond the time needed for the original traffic stop. This practice violates the law’s express ban on “making or intentionally participating in an arrest based upon a hold request,” 5 M.R.S. § 4763(1)(A)(5); *see also* § 4761(2) (broadly defining “hold request” as a request issued by immigration authority that law enforcement agencies “maintain custody ... beyond the time the person would otherwise be eligible for release in order to facilitate transfer to the immigration authority.”) This practice likewise violates the law’s general prohibition on “us[ing]” agency “money or personnel to ... investigate, interrogate, detain, detect, stop, arrest, or search a person for immigration enforcement purposes.” *Id.* § 4763(1)(A).

The law expressly prohibits law enforcement agencies from “assisting immigration authorities in activities described in” 8 U.S.C. § 1357(a)(3), which purports to authorize warrantless federal actions “within a reasonable distance” of U.S. borders including boarding and searching for non-citizens in vehicles or other conveyances without a warrant. 5 M.R.S. § 4763(1)(A)(6). This provision prohibits law enforcement from assisting Border Patrol or other immigration authorities from conducting warrantless stops of vehicles within the so-called “100-mile” zone of the border.

Finally, the law broadly bans “us[ing] agency or department money or personnel to investigate ... a person for immigration enforcement purposes.” Given the broad scope of the law’s definition of “immigration enforcement,” this bars local law enforcement from initiating any inquiry or alert to federal immigration authorities regarding whether someone is suspected of violating civil immigration law.

We appreciate your attention. The ACLU of Maine is prepared to be a resource for any additional information you require on these new laws.

Respectfully,

Michael Kebede
Policy Director
ACLU of Maine Foundation
mkebede@aclumaine.org
(207) 774-5444



Maine

July 30, 2026

By Email

Thomas Hild
Chief of Administration
Judicial Branch
Office of Judicial Marshals
thomas.hild@courts.maine.gov

Dear Mr. Hild:

In 2025 and 2026, the Maine legislature passed a package of important bills to protect Maine's immigrant residents and ensure they can access state and local services without fear that doing so will lead them or their loved ones to be targeted by federal immigration authorities. This suite of laws, collectively referred to here as the ICE Out laws,¹ went into effect on July 29, 2026. The ACLU of Maine writes to inform the Judicial Marshals of their new obligations under these laws.²

The Judicial Marshals are regulated by ICE Out of Policing.

One of the new laws, referenced here as ICE Out of Policing and codified at 5 M.R.S. §§ 4761-4765, specifically imposes new obligations on judicial marshals.

ICE Out of Policing regulates any agency within Maine that is "charged with enforcement of state, county or municipal laws or with managing custody of detained persons," including any "employee" or "agent" working for them. 5 M.R.S. § 4761(7) (definition of "law enforcement agency"). Because judicial marshals are "law enforcement officers" (25 M.R.S. § 2801-A(2-A)) who help ensure the operation of

¹ These laws are collectively referred to as the ICE Out laws for ease of reference, but they apply broadly to limit Maine law enforcement's collaboration immigration enforcement activities regardless of which agency is carrying them out, whether that is U.S. Immigration and Customs Enforcement ("ICE"), Homeland Security Investigations ("HSI," a subcomponent of ICE), U.S. Customs and Border Protection ("CBP"), U.S. Border Patrol (a subcomponent of CBP), any other part of the U.S. Department of Homeland Security ("DHS," the executive department in which ICE and CBP are housed), or any other federal, state, or local agency carrying out civil immigration enforcement activities.

² We are concurrently sending equivalent letters to every municipal police department and sheriff's office in Maine, as well as various state-level law enforcement agencies.

courts in this state, including by, e.g., confiscating disallowed materials a person brings into a courthouse,³ the Office of the Judicial Marshals is governed by the requirements of Sections 4761-4765.

The obligations imposed by ICE Out of Policing.

The new law is complex and this letter should **not** be interpreted as a comprehensive summary. Instead, it is an attempt to highlight the sections most relevant to the Judicial Marshals. An exhaustive analysis of the new ICE Out laws can be viewed on our website.⁴

ICE Out of Policing expressly prohibits law enforcement agencies from “[p]roviding to immigration authorities information regarding the person’s release date” that is not “available to the public.” 5 M.R.S. § 4763(1)(A)(3); *see also* §4763(1)(A)(4) (prohibiting law enforcement agencies from “[p]roviding to immigration authorities personal information about the person”). Further, *any* affirmative step jails take to notify ICE about a person’s anticipated release to aid ICE in arresting that person upon release from the jail is plainly a “use” of agency “money or personnel to ... detain” or “arrest ... a person for immigration enforcement purposes,” which the law also bars. 5 M.R.S. § 4763(1)(A).

Accordingly, Maine law enforcement officers, including judicial marshals, are now barred from (for example) notifying ICE that a person in custody is expected to post bail the following day, or that an individual is expected to be released following a court appearance that afternoon.

Of note, the law defines “immigration authority” broadly: it means *any* “person performing immigration enforcement functions,” whether that person is a “federal, state or local officer.”

We appreciate your attention. The ACLU of Maine is prepared to be a resource for any additional information you require on these new laws.

Respectfully,

Michael Kebede
Policy Director
ACLU of Maine Foundation
mkebede@aclumaine.org
(207) 774-5444

³ *See, e.g.*, 17-A M.R.S. § 1057 (creating offense of “unauthorized possession of firearm in courthouse”); 25 M.R.S. § 3501 (noting that judicial marshals may confiscate personal property).

⁴ *ACLU of Maine Legal Analysis of Maine’s New ICE Out Laws*, <https://www.aclumaine.org/app/uploads/2026/07/ACLU-of-Maine-ICE-Out-Legal-Analysis.pdf> (last updated June 30, 2026).



July 30, 2026

By Email

Charles Rumsey

Chair

Maine Criminal Justice Academy

crumsey@townofcumberlandmaine.gov

Dear Chief Rumsey:

In 2025 and 2026, the Maine legislature passed a package of important bills to protect Maine's immigrant residents and ensure they can access state and local services without fear that doing so will lead them or their loved ones to be targeted by federal immigration authorities. This suite of laws, collectively referred to here as the ICE Out laws,¹ went into effect on July 29, 2026. Because the Maine Criminal Justice Academy plays a pivotal role in training law enforcement officers, the ACLU of Maine writes to inform the MCJA of law enforcement's new obligations under these laws.²

ICE Out of Policing creates new obligations for law enforcement.

One of the new laws, referenced here as ICE Out of Policing and codified at 5 M.R.S. §§ 4761-4765, imposes new obligations on law enforcement agencies and officers.

ICE Out of Policing regulates any agency within Maine that is "charged with enforcement of state, county or municipal laws or with managing custody of detained persons," including any "employee" or "agent" working for them. 5 M.R.S. § 4761(7) (definition of "law enforcement agency"). This is an intentionally broad definition that encompasses municipal police departments, sheriffs' offices, and various state-level

¹ These laws are collectively referred to as the ICE Out laws for ease of reference, but they apply broadly to limit Maine law enforcement's collaboration immigration enforcement activities regardless of which agency is carrying them out, whether that is U.S. Immigration and Customs Enforcement ("ICE"), Homeland Security Investigations ("HSI," a subcomponent of ICE), U.S. Customs and Border Protection ("CBP"), U.S. Border Patrol (a subcomponent of CBP), any other part of the U.S. Department of Homeland Security ("DHS," the executive department in which ICE and CBP are housed), or any other federal, state, or local agency carrying out civil immigration enforcement activities.

² We are concurrently sending equivalent letters to every municipal police department and sheriff's office in Maine, as well as various state-level law enforcement agencies.

law enforcement agencies (including, but not limited to, Maine State Police and the Maine DEA).

The obligations imposed by ICE Out of Policing.

The new laws are complex and this letter should **not** be interpreted as a comprehensive summary. Instead, it is an attempt to highlight the sections most relevant to the MCJA's trainees. An exhaustive analysis of the new ICE Out laws can be viewed on our website.³

ICE Out of Policing places strict limits on how and when Maine law enforcement can participate in “immigration enforcement” and assist “immigration authorit[ies].” Both terms are defined very broadly (*see* 5 M.R.S. § 4761):

- “immigration enforcement” means “*any* effort to investigate, enforce or assist in the investigation or enforcement” of federal civil immigration law.”
- “immigration authority” means *any* “person performing immigration enforcement functions,” whether that person is a “federal, state or local officer.”

The law goes on to bar several specific behaviors. In particular:

The law expressly prohibits state and local law enforcement agencies, including their employees, from “detaining a person solely on the basis of a hold request.” 5 M.R.S. § 4763(1)(A)(2). The term “hold request” is broadly defined as any request by an immigration authority that a law enforcement agency “maintain custody . . . beyond the time the person would otherwise be eligible for release in order to facilitate transfer to the immigration authority.” 5 M.R.S. § 4761(2).⁴

The law bans Maine law enforcement from detaining people based on any request by an immigration authority—whether a formal ICE detainer or a more informal hold request—for ***any period of time*** beyond when they are otherwise eligible for release. Such actions are a prohibited use of agency personnel under the law.

The law expressly prohibits law enforcement from “transfer[ring] a person to an immigration authority” unless the immigration authority has a court order or criminal warrant. 5 M.R.S. § 4763(1)(D); *see also* § 4763(1)(A)(6) (prohibiting law enforcement agencies from “assisting immigration authorities in activities described in” 8 U.S.C. § 1357(a)(3), which purports to authorize warrantless federal actions

³ *ACLU of Maine Legal Analysis of Maine’s New ICE Out Laws*, <https://www.aclumaine.org/app/uploads/2026/07/ACLU-of-Maine-ICE-Out-Legal-Analysis.pdf> (last updated June 30, 2026).

⁴ *See also* 5 M.R.S. § 4763(1) (banning law enforcement from “us[ing] agency or department money or personnel to ... detain ... a person for immigration enforcement purposes”).

“within a reasonable distance” of U.S. borders, including boarding and searching for non-citizens in vehicles or other conveyances).

Even if an initial stop is justified at its inception (for example, it was a valid traffic stop under state law), the law prohibits police from extending the stop at an immigration authority’s request for any period beyond the time needed for the original traffic stop. This practice violates the law’s express ban on “making or intentionally participating in an arrest based upon a hold request,” 5 M.R.S. § 4763(1)(A)(5); *see also* § 4761(2) (broadly defining “hold request” as a request issued by an immigration authority that law enforcement agencies “maintain custody ... beyond the time the person would otherwise be eligible for release in order to facilitate transfer to the immigration authority.”) This practice likewise violates the law’s general prohibition on “us[ing]” agency “money or personnel to ... investigate, interrogate, detain, detect, stop, arrest, or search a person for immigration enforcement purposes.” *Id.* § 4763(1)(A).

The law expressly prohibits law enforcement agencies from “assisting immigration authorities in activities described in” 8 U.S.C. § 1357(a)(3), which purports to authorize warrantless federal actions “within a reasonable distance” of U.S. borders including boarding and searching for non-citizens in vehicles or other conveyances without a warrant. 5 M.R.S. § 4763(1)(A)(6). This provision prohibits law enforcement from assisting Border Patrol or other immigration authorities from conducting warrantless stops of vehicles within the so-called “100-mile” zone of the border.

Finally, the law broadly bans “us[ing] agency or department money or personnel to investigate ... a person for immigration enforcement purposes.” Given the broad scope of the law’s definition of “immigration enforcement,” this bars local law enforcement from initiating any inquiry or alert to federal immigration authorities regarding whether someone is suspected of violating civil immigration law.

We appreciate your attention. The ACLU of Maine is prepared to be a resource for any additional information you require on these new laws.

Respectfully,

Michael Kebede
Policy Director
ACLU of Maine Foundation
mkebede@aclumaine.org
(207) 774-5444



Maine

July 30, 2026

By Email

Lt. Mathew Casavant

mathew.r.casavant@maine.gov

Maine Information and Analysis Center

Dear Director Casavant:

In 2025 and 2026, the Maine legislature passed a package of important bills to protect Maine's immigrant residents and ensure they can access state and local services without fear that doing so will lead them or their loved ones to be targeted by federal immigration authorities. This suite of laws, collectively referred to here as the "ICE Out laws",¹ went into effect on July 29, 2026. The ACLU of Maine writes to inform your agency of its new obligations under these laws.²

The Maine Information and Analysis Center is regulated by ICE Out of Policing.

One of the new laws, referenced here as ICE Out of Policing and codified at 5 M.R.S. §§ 4761-4765, specifically imposes new obligations on the Maine Information and Analysis Center ("MIAC").

ICE Out of Policing regulates any agency within Maine that is "charged with enforcement of state, county or municipal laws or with managing custody of detained persons," including any "employee" or "agent" working for them. 5 M.R.S. § 4761(7)

¹ These laws are collectively referred to as the ICE Out laws for ease of reference, but they apply broadly to limit Maine law enforcement's collaboration immigration enforcement activities regardless of which agency is carrying them out, whether that is U.S. Immigration and Customs Enforcement ("ICE"), Homeland Security Investigations ("HSI," a subcomponent of ICE), U.S. Customs and Border Protection ("CBP"), U.S. Border Patrol (a subcomponent of CBP), any other part of the U.S. Department of Homeland Security ("DHS," the executive department in which ICE and CBP are housed), or any other federal, state, or local agency carrying out civil immigration enforcement activities.

² We are concurrently sending equivalent letters to every municipal police department and sheriff's office in Maine, as well as various state-level law enforcement agencies.

(definition of “law enforcement agency”). Because the MIAC is a specialty unit of the Maine State Police, and the law explicitly defines the State Police as a law enforcement agency,³ MIAC is governed by the requirements of Sections 4761-4765.

Importantly, although our shorthand for these laws identifies “ICE”, that agency’s name in “ICE Out” laws serves as a shorthand for the broader array of agencies that enforce immigration law. The law regulates cooperation with any federal “immigration authority”, which means any “person performing immigration enforcement functions,” whether that person is a “federal, state or local officer.” This, of course, includes ICE and Border Patrol, but can also include many other agencies.

The obligations imposed by ICE Out of Policing.

The new law is complex and this letter should **not** be interpreted as a comprehensive summary. Instead, it is an attempt to highlight the sections most relevant to municipal police departments. A more comprehensive analysis of the new ICE Out laws is available on our website.⁴

ICE Out of Policing broadly bans “us[ing] agency or department money or personnel to investigate . . . a person for immigration enforcement purposes.” Given the broad scope of the law’s definition of “immigration enforcement,” this bars your department from initiating any inquiry or alert to federal immigration authorities regarding whether someone is suspected of violating civil immigration law. Accordingly, this practice must have ceased by July 29, 2026, the effective date of the law. 5 M.R.S. § 4763(1)(D). Of note, the law defines “immigration authority” broadly: it means *any* “person performing immigration enforcement functions,” whether that person is a “federal, state or local officer.”

We appreciate your attention. The ACLU of Maine is prepared to be a resource for any additional information you require on these new laws.

Respectfully,

Michael Kebede
Policy Director
ACLU of Maine Foundation
mkebede@aclumaine.org
(207) 774-5444

³ 5 M.R.S. §4761(7).

⁴ ACLU Maine, ICE Out of Maine, Website, *available at* <https://www.aclumaine.org/campaigns-initiatives/ice-out-of-maine/>.



July 30, 2026

By Email

Jerome Gerard
Executive Director
jerome.gerard@maine.gov
Maine Revenue Services

Dear Executive Director Gerard:

In 2025 and 2026, the Maine legislature passed a package of important bills to protect Maine's immigrant residents and ensure they can access state and local services without fear that doing so will lead them or their loved ones to be targeted by federal immigration authorities. This suite of laws, collectively referred to here as the "ICE Out laws",¹ went into effect on July 29, 2026. The ACLU of Maine writes to inform your agency of its new obligations under these laws.²

Maine Revenue Services is regulated by ICE Out of Policing.

One of the new laws, referenced here as ICE Out of Policing and codified at 5 M.R.S. §§ 4761-4765, specifically imposes new obligations on Maine Revenue Services.

ICE Out of Policing regulates any agency within Maine that is "charged with enforcement of state, county or municipal laws" including any "employee" or "agent" working for them. 5 M.R.S. § 4761(7) (definition of "law enforcement agency").

¹ These laws are collectively referred to as the ICE Out laws for ease of reference, but they apply broadly to limit Maine law enforcement's collaboration immigration enforcement activities regardless of which agency is carrying them out, whether that is U.S. Immigration and Customs Enforcement ("ICE"), Homeland Security Investigations ("HSI," a subcomponent of ICE), U.S. Customs and Border Protection ("CBP"), U.S. Border Patrol (a subcomponent of CBP), any other part of the U.S. Department of Homeland Security ("DHS," the executive department in which ICE and CBP are housed), or any other federal, state, or local agency carrying out civil immigration enforcement activities.

² We are concurrently sending equivalent letters to every municipal police department and sheriff's office in Maine, as well as various state-level law enforcement agencies.

Because Maine Revenue Services has authority over the State Tax Assessor,³ the department is governed by the requirements of Sections 4761-4765.

Importantly, although our shorthand for these laws identifies “ICE”, that agency’s name in “ICE Out” laws serves as a shorthand for the broader array of agencies that enforce immigration law. The law regulates cooperation with any federal “immigration authority”, which means any “person performing immigration enforcement functions,” whether that person is a “federal, state or local officer.” This, of course, includes ICE and Border Patrol, but can also include many other agencies.

The obligations imposed by ICE Out of Policing.

The new law is complex and this letter should **not** be interpreted as a comprehensive summary. Instead, it is an attempt to highlight the sections most relevant to your agency. A more comprehensive analysis of the new ICE Out laws is available on our website.⁴

ICE Out of Policing broadly bans “us[ing] agency or department money or personnel to investigate . . . a person for immigration enforcement purposes.” Given the broad scope of the law’s definition of “immigration enforcement,” this bars Maine Revenue Services, its offices, divisions, employees, and agents from initiating any inquiry or alert to federal immigration authorities regarding whether someone is suspected of violating civil immigration law. Accordingly, this practice must have ceased by July 29, 2026, the effective date of the law. 5 M.R.S. § 4763(1)(D).

Of note, the law defines “immigration authority” broadly: it means *any* “person performing immigration enforcement functions,” whether that person is a “federal, state or local officer.”

We appreciate your attention. The ACLU of Maine is prepared to be a resource for any additional information you require on these new laws.

Respectfully,

Michael Kebede
Policy Director
ACLU of Maine Foundation
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(207) 774-5444

³ The State Tax Assessor is charged with administering and enforcing tax law under 36 M.R.S. § 112.

⁴ ACLU Maine, ICE Out of Maine, Website, *available at* <https://www.aclumaine.org/campaigns-initiatives/ice-out-of-maine/>.