

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

MAINE MUNICIPAL ASSOCIATION, )  
CITY OF PORTLAND, and CITY OF )  
WESTBROOK, )  
 )  
Plaintiffs/Petitioners, )  
 )  
and )  
 )  
REHMA REBECCA JUMA and )  
SUAVIS FURAHA, )  
 )  
Intervenor-Plaintiffs/Petitioner )  
 )  
v. ) CIVIL ACTION  
 ) Docket No. 1:14-CV-00311-JAW  
 )  
MAINE DEPARTMENT OF HEALTH )  
AND HUMAN SERVICES, and )  
 )  
MARY MAYHEW, COMMISSIONER, )  
MAINE DEPARTMENT OF HEALTH )  
AND HUMAN SERVICES, )  
 )  
Defendants/Respondents )  
 )

**INTERVENOR PLAINTIFFS/PETITIONERS' REPLY MEMORANDUM  
IN SUPPORT OF REMAND**

Intervenor-Plaintiffs/Petitioners Rehma Rebecca Juma and Suavis Furaha agree with, and adopt, the arguments and analysis contained in the Plaintiffs/Petitioners' Reply Memorandum in Support of Motion to Remand. They write separately to make two brief additional points.

First, the Defendants erred in equating a claim under the Maine constitution with a claim under the federal constitution in their removal petition, and they persists in that error in their Opposition to Remand (10-11) (“A constitutional challenge to that distinction is necessarily a federal constitutional challenge.”). The Maine Constitution contains a provision—Article I, Section 6-A—prohibiting the denial of the equal protection of the law to all within Maine’s jurisdiction. Intervenor believe that the Defendants fall within that jurisdiction, and that their actions violate that provision. That is the constitutional claim that Intervenor “expressly” raise, and it has nothing to do with the federal constitution or any other constitution containing a similar prohibition. Contrary to the Defendant’s argument (Opposition to Remand, 10), a constitutional challenge is not necessarily a federal constitutional challenge. State constitutional claims are rare in Maine, but they are not extinct, and Defendant is legally obligated to conform her behavior to the Maine Constitution.

Second, the Defendants have muddled the difference between congressional authority and the jurisdiction of the federal courts (Opposition to Remand, 13) (“The compelling interest at issue in 8 U.S.C. §1621 is a matter of exclusive federal jurisdiction – regulation of immigration into the United States.”). Congress’s plenary naturalization power has nothing to do with whether this Court or the Maine Superior Court has jurisdiction over plaintiffs’ and intervenors’ claims. Sometimes Congress, in exercising its plenary authority over some subject or another, completely preempts any state role in enforcing or regulating that subject,

but this is not one of those times. If it were, one would have expected the Defendants to have made the point, as it would have provided a strong argument in their favor. But, they have not. To the extent that the Defendants intend to raise a defense based on federal law for their behavior, the Maine Superior Court has full jurisdictional authority to consider and rule upon it.

Respectfully submitted, this 9<sup>th</sup> day of September, 2014,

*/s/ Zachary L. Heiden*

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 9, 2014, I electronically filed the foregoing INTERVENOR PLAINTIFFS/PETITIONERS' REPLY MEMORANDUM IN SUPPORT OF REMAND with the Clerk of Court using the CM/ECF system which will send notification of such filing(s) to all registered counsel of record.

/s/ Zachary L. Heiden

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