

§109-A. Limited authority of certain libraries to consent for entry into nonpublic areas and to access records

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Law enforcement officer" has the same meaning as defined in Title 16, section 638, subsection 2 and includes a "federal officer" as defined in Title 25, section 1502-A, subsection 1. [PL 2025, c. 770, §5 (NEW).]

B. "Nonpublic area" means an area of a building or facility that the public is not free to enter or access and includes a restricted access area within a building or facility that is otherwise predominately open to the public. "Nonpublic area" also includes all otherwise public areas within a building or facility during any time that the building or facility is closed for operation. [PL 2025, c. 770, §5 (NEW).]

C. "Protected patron record" means a record maintained by a state library or public library that is confidential pursuant to section 121, subsection 1. [PL 2025, c. 770, §5 (NEW).]

D. "Public library" has the same meaning as in section 110, subsection 10. [PL 2025, c. 770, §5 (NEW).]

E. "State library" means the Maine State Library; the Law and Legislative Reference Library; and a library of the University of Maine System, the Maine Community College System and the Maine Maritime Academy. [PL 2025, c. 770, §5 (NEW).]

[PL 2025, c. 770, §5 (NEW).]

2. Voluntary consent for entry into nonpublic areas prohibited. A person acting on behalf of a state library may not provide voluntary consent permitting a law enforcement officer to enter a nonpublic area of the state library for immigration enforcement purposes.
[PL 2025, c. 770, §5 (NEW).]

3. Voluntary consent to access protected patron records prohibited. A person acting on behalf of a state library may not provide voluntary consent permitting a law enforcement officer to access protected patron records for immigration enforcement purposes. This subsection may not be construed to prevent a person acting on behalf of a state library from disclosing protected patron records in response to a request from a law enforcement officer to the extent that the disclosure is required by a court order or by state or federal law.
[PL 2025, c. 770, §5 (NEW).]

4. Mandatory compliance activities. Notwithstanding subsection 2, if a state library is required by federal law to permit a law enforcement officer to inspect specific records other than protected patron records or to conduct interviews regarding the eligibility of noncitizens to work in the United States:

A. The state library shall designate a nonpublic area within the state library where law enforcement officers may conduct these inspections and interviews; and [PL 2025, c. 770, §5 (NEW).]

B. The state library may permit law enforcement officers to access a specific location to verify eligibility for employment if federal law requires that law enforcement officers be provided access to that specific location within the state library when conducting these inspections and interviews.
[PL 2025, c. 770, §5 (NEW).]

[PL 2025, c. 770, §5 (NEW).]

5. Required policy and guidance. Each state library shall adopt the model policies and guidance published by the Attorney General under Title 5, section 200-O or establish equivalent policies and guidance as required by Title 5, section 200-O, subsection 2.
[PL 2025, c. 770, §5 (NEW).]

6. Violation; exceptions. Prior to the date that a state library adopts, or is required to adopt, whichever is earlier, a policy and guidance pursuant to Title 5, section 200-O, subsection 2, a person acting on behalf of the state library does not violate subsection 2 or subsection 3 if the person provides voluntary consent permitting a law enforcement officer to enter a nonpublic area of a state library or to access protected patron records for immigration purposes and if the person is acting in good faith.
[PL 2025, c. 770, §5 (NEW).]

7. Other public libraries. A public library that is not subject to subsection 5 may, but is not required to, adopt the model policies and guidance or an amendment to the model policies and guidance published by the Attorney General pursuant to Title 5, section 200-O, subsection 1.
[PL 2025, c. 770, §5 (NEW).]

SECTION HISTORY

PL 2025, c. 770, §5 (NEW).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 132nd Maine Legislature and is current through October 1, 2026. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.
--