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3   **JUDICIARY**

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5   **STATE OF MAINE**

6   **HOUSE OF REPRESENTATIVES**

7   **128TH LEGISLATURE**

8   **FIRST REGULAR SESSION**

9   COMMITTEE AMENDMENT "   " to H.P. 596, L.D. 847, Bill, "An Act To Hold
10   Refugee Resettlement Agencies Accountable to Maine People"

11   Amend the bill by striking out everything after the enacting clause and inserting the
12   following:

13   '**Sec. 1. 5 MRSA Pt. 31** is enacted to read:

14   **PART 31**

15   **IMMIGRATION AND REFUGEE PROGRAMS**

16   **CHAPTER 631**

17   **REFUGEE RESETTLEMENT PROGRAMS**

18   **§25001. Short title**

19   This chapter may be known and cited as "the Responsible Refugee Resettlement
20   Act."

21   **§25002. Definitions**

22   For the purposes of this chapter, unless the context otherwise indicates, the following
23   terms have the following meanings.

24   **1. Absorptive capacity.** "Absorptive capacity" means:

25   A. The ability of a locality's social service and health care agencies to meet the needs
26   of the locality's residents or anticipated residents;

27   B. The availability of affordable housing, low-cost housing or both and the existence
28   of waiting lists for such housing in the locality;

29   C. The ability of the local school district to meet the needs of the student population
30   or anticipated student population, including the refugee population or anticipated
31   refugee population;

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1   D. The ability of the locality's economy to absorb new workers without causing
2 competition with local residents for job opportunities, displacing local workers or
3 adversely affecting the wages or working conditions of the local workforce; and

4   E. The ability of the locality's law enforcement to maintain law and order and ensure
5 general public safety for its residents and anticipated residents.

6   **2. Act of terrorism.** "Act of terrorism" means any act of domestic or international
7 terrorism as defined in 18 United States Code, Section 2331.

8   **3. Locality.** "Locality" means any county, municipality or other political
9 subdivision of the State.

10   **4. Refugee.** "Refugee" has the same meaning as in 8 United States Code, Section
11 1101(a)(42).

12 **§25003. Withdrawal from refugee resettlement program**

13   State and local government agencies are not authorized to participate in the federal
14 refugee resettlement program as created by the United States Congress pursuant to the
15 Refugee Act of 1980, Public Law 96-212.

16 **§25004. Refugee resettlement liability**

17   A nongovernmental entity that provides refugee resettlement services in this State
18 after January 1, 2018 may be held liable for damages in a civil action in a court of
19 competent jurisdiction if the entity resettles a refugee who subsequently commits an act
20 of terrorism in this State and the entity knew or should have known that such an act of
21 terrorism was likely or imminent.

22 **§25005. Eligibility for tax exemption**

23   To maintain eligibility for state or local tax exemptions, a nongovernmental entity
24 that provides resettlement services in this State must annually certify:

25   **1. Quarterly meetings.** That the entity has made an attempt to convene no less than
26 quarterly meetings with appropriate state and local government officials of any locality
27 that is a host or being considered as a host for refugee resettlement;

28   **2. Consideration of recommendations.** That the entity has taken the
29 recommendations of the state and local government officials into consideration in the
30 planning of refugee resettlement within the State; and

31   **3. No action if no absorptive capacity indicated.** That the entity has not taken any
32 action to resettle refugees into a locality that has indicated that it does not have the
33 absorptive capacity to accept refugees into its jurisdiction.

34 **§25006. Transparency**

35   A nongovernmental entity that provides refugee resettlement services in this State
36 shall submit an annual report to the Governor and the Legislature that includes the
37 following information:

38   **1. Services.** A description of services provided;

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1   **2. Localities.** A list of the localities in the State receiving refugees;

2   **3. Number of refugees.** The total number of refugees the entity has resettled in the
3 State;

4   **4. Demographics.** The demographic breakdown of refugee arrivals to the State
5 including by age, country of origin and sex; and

6   **5. Anticipated changes.** Any anticipated changes in the number of refugee arrivals
7 or destination localities for the following reporting year.

8   **§25007. Implementation**

9   The Commissioner of Health and Human Services shall adopt rules to implement this
10 chapter. Rules adopted pursuant to this section are routine technical rules for the
11 purposes of Title 5, chapter 375, subchapter 2-A.

12   **§25008. Effective date**

13   This chapter takes effect January 1, 2018.'

14   **SUMMARY**

15   This amendment is the minority report of the Joint Standing Committee on Judiciary.
16 It replaces the bill, which is a concept draft.

17   The amendment establishes the Responsible Refugee Resettlement Act.

18   The Act prohibits the State and local governments from participating in the federal
19 refugee resettlement program as created by the United States Congress pursuant to the
20 Refugee Act of 1980, Public Law 96-212.

21   Under the Act, any nongovernmental entity that provides refugee resettlement
22 services after January 1, 2018 may be held liable in a civil action if it resettles a refugee
23 who subsequently commits an act of terrorism in this State and the entity knew or should
24 have known that the act of terrorism was likely or imminent.

25   Under the Act, a nongovernmental entity that provides refugee resettlement services
26 must certify that the following requirements are met in order to maintain eligibility for
27 state or local tax exemptions:

28   1. Attempt to convene at least quarterly meetings with state and local government
29 officials of a locality that is a host or being considered as a host;

30   2. Take into consideration recommendations of the state and local government
31 officials; and

32   3. Take no action to resettle refugees in any locality that has indicated it does not
33 have the absorptive capacity, which is defined in the amendment, to accept new refugees.

34   Under the Act, a nongovernmental entity that provides refugee resettlement services
35 must submit an annual report to the Governor and the Legislature that includes specific
36 information about the refugees, refugee demographics and plans for the following year.

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1   The Commissioner of Health and Human Services must adopt routine technical rules
2 to carry out the Act.

3   The Act takes effect January 1, 2018.

4   **FISCAL NOTE REQUIRED**

5   **(See attached)**

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