



Paul R. LePage
GOVERNOR

STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0001



June 23, 2014

Municipal Administrator
Town of Windham
8 School Rd
Windham, Maine 04062-4899

Dear Municipal Administrator of Windham:

By now, you have received a letter of guidance from the Maine Department of Health and Human Services regarding enforcement of the federal law that prohibits giving General Assistance to illegal aliens. In addition, you may have received contradictory information from Attorney General Janet Mills and the Maine Municipal Association about the guidance from DHHS.

It is not my job to advise you what to do in this circumstance, but I do want to take this opportunity to explain more about my Administration's decision.

Since 1996, when President Clinton and the Republican Congress together enacted sweeping welfare reforms, it has been illegal under federal law for states to provide General Assistance to illegal aliens. The same federal law acknowledges that states could make a legislative decision to offer General Assistance to illegal aliens, but only if they passed new laws after 1996. The Maine Legislature never passed such a law.

DHHS worked with the Office of the Attorney General for months on a proposed rule to exclude certain non-citizens from General Assistance. That proposed rule initially was approved by the Attorney General's office, but Attorney General Mills then said the rule was unconstitutional. We went back and tailored our proposed rule to meet the Attorney General's concerns, but she turned us down again.



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We found it inexplicable that the state's top law enforcement official would encourage municipalities to violate federal law. After further investigating the issue, it became clear that a rulemaking process was not necessary to implement existing federal law. Confident with our legal standing and given the Attorney General's intransigence, DHHS decided to provide guidance based on the federal prohibition.

Some have claimed this marks a policy change that should go through the legislative process. Well, it did: our elected Congress enacted this law in 1996, and it remains on the books today. The Maine Legislature has had every opportunity in the past 18 years to pass a law mandating that municipalities provide General Assistance to illegal aliens. They have chosen not to. I fail to understand how DHHS's enforcement of an existing federal law somehow reflects a desire to ignore the will of the people.

During my administration, we have worked to eliminate Maine's status as a sanctuary state. I started by repealing Governor Baldacci's executive order that prevented state employees from asking about immigration status. We also aligned Maine's state welfare payments (TANF) with federal law by eliminating coverage for certain non-citizens.

Enforcing the federal prohibition is another common-sense measure to make sure local taxpayer dollars are helping Mainers, U.S. citizens or those living here with legal status. I expect the head of each municipality to communicate with DHHS to certify in writing compliance with federal law.

If DHHS finds that a municipality fails to comply with the law, it will cut off all General Assistance reimbursement to that community. I encourage you to send any questions on how to comply as soon as possible to DHHS officials so they may help you.

Sincerely,

A handwritten signature in cursive script that reads "Paul R. LePage".

Paul R. LePage
Governor