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May 22, 2026

Brett A. Shumate, AAG  
U.S. Department of Justice  
Civil Division  
Washington, D.C. 20044

Dear Attorney Shumate:

This letter responds to your May 12, 2026, letter regarding Maine's confidential license plate program (CPP). The CPP is administered by the Maine Secretary of State's Office (SOS), and within the SOS, the Bureau of Motor Vehicles (BMV). Maine's policy is neither discriminatory nor unlawful.

Maine's CPP is authorized pursuant to 29-A M.R.S. § 517. Subsection (4) of the statute empowers the Secretary of State, in her discretion, to issue confidential non-governmental license plates for unmarked vehicles used primarily for law enforcement purposes. In early 2026, the SOS paused issuance of confidential plates and updated its application form. The updated CPP application requires the head of the agency to certify that any confidential plate received will only be used in accordance with all of the guidelines of the application, including that the plates will not be used for civil immigration enforcement.

Between December 2025 and March 2026, the SOS received signed applications from the Department of Homeland Security (DHS) seeking 16 confidential plates. Although these applications certified that the vehicles would not be used for civil immigration enforcement, I understand that an Immigration and Customs Enforcement (ICE) official subsequently admitted to the BMV that the vehicles subject to the applications would, in fact, be used for civil immigration enforcement. As DHS's applications appear to contain material false statements, the BMV has not granted them.

In any event, we disagree with your assertion that the CPP violates the Supremacy Clause of the United States Constitution. In *United States v. Washington*, 596 U.S. 832 (2022), the Supreme Court explained that the intergovernmental immunity doctrine prohibits states from "interfering with or controlling the operations of the Federal Government." 596 U.S. at 838. As demonstrated herein, the CPP program neither interferes with nor controls federal law enforcement operations. Rather, the program reflects a legitimate and constitutional policy choice by the SOS not to allow its resources to be commandeered by the federal government for use in civil immigration enforcement activities that have, in Maine and elsewhere, resulted in multiple incidents of abusive and unconstitutional conduct by DHS officials. The Tenth Amendment protects Maine's right to decline to aid such lawless federal operations. *See, e.g., United States v. New York*, 810 F. Supp. 3d 329, 356 (N.D.N.Y. 2025).

Maine law affords discretion to the SOS regarding whether to issue confidential plates to law enforcement.<sup>1</sup> Since January 6, 2026, the SOS has granted the confidential plate applications of 8 different federal agencies (48 plates total).<sup>2</sup> As such, there is no basis for the assertion that Maine's CPP program puts at risk federal law enforcement officers.<sup>3</sup> Maine's CPP program does not hamper federal operations; it even appears consistent with various federal laws and regulations requiring law enforcement identification in certain circumstances.<sup>4</sup>

Where Maine law enforcement officers do not conduct civil immigration enforcement, they are not similarly situated to federal immigration officials for purposes of determining whether discrimination has occurred. Further, the record reflects that both state and federal law enforcement agencies have obtained confidential plates since the SOS updated the CPP program. Indeed, the SOS does not issue non-confidential, "regular" Maine license plates to any state or federal law enforcement agencies.<sup>5</sup> The SOS requires all law enforcement agencies, both state and federal, to submit both their registration and a signed application if they wish to obtain a confidential license plate. The letter's allegation that the SOS issues confidential plates to "similarly situated state and local law enforcement agencies without restriction" is thus unfounded. The CPP program applies to all law enforcement agencies in Maine; it does not treat federal law enforcement agencies differently than similarly situated state law enforcement agencies.

We welcome the opportunity for further discussion on this matter.

Respectfully,



Aaron M. Frey

Encl.

Cc (via email): Alexandra McTague Shulte, Esq.  
Hilary K. Perkins, Esq.  
Jonathan R. Bolton, AAG  
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<sup>1</sup> See, e.g., 29-A M.R.S. § 517(4). Earlier this month, the SOS further updated its CPP application form to address FBI concerns, which have apparently been satisfied; a copy of the current application is enclosed.

<sup>2</sup> The federal agencies who received confidential plates since January 2026 include the FBI, General Services Administration (GSA), Department of Commerce, U.S. Fish & Wildlife, U.S. Secret Service, U.S. Probation & Pretrial Services, Naval Criminal Investigative Service, and the Department of Homeland Security-Bangor International Airport. In total, there are currently 132 confidential plates issued to federal agencies in Maine.

<sup>3</sup> Further, if a federal law enforcement vehicle does not have a confidential plate, then it must have a federally registered license plate. Non-confidential law enforcement Maine registrations are tied to the law enforcement agency, not individuals. Upon information and belief, federal law enforcement vehicle registrations are maintained in secure, internal government systems that are exempt from public disclosure. This undermines the letter's assertion that individual federal officers "their families, and people under their protection...could be identified and tracked to their homes." To the extent any information about a federal registration is publicly available, the federal government controls access to same.

<sup>4</sup> See e.g., 10 U.S.C. § 723(a) (federal law enforcement personnel are required to visibly display their name or other identifier and the name of the federal agency they serve when responding to a civil disturbance); 8 C.F.R. § 287.8(c)(2)(iii)(A)(2025) (DHS regulations require ICE agents to identify themselves as immigration officers at the time of any arrest).

<sup>5</sup> For example, if it does not have a confidential plate, a city law enforcement vehicle in Maine requires a city law enforcement plate. Similarly, Maine issues specific license plates for sheriffs, municipal or county law enforcement, and the Maine State Police. Federal law enforcement agencies may obtain federal license plates from the federal GSA.



## Application for CONFIDENTIAL Plate Program (CPP)

The application(s) are for a confidential display plate as described in Title 29-A § 517(4) (Unmarked Motor Vehicles used primarily for law enforcement purposes).

1. First, this vehicle **must have** a valid Maine or Federal registration. A proper Maine registration can be obtained through your Municipal Office or by contacting the Registrations Division at the Bureau of Motor Vehicles. Federal Law Enforcement vehicles must have a Federal Registration Plate.
2. Send in a CPP application with the following information. For multiple vehicles, you can create a spreadsheet with the same information in the MVI-23 form (CLEO will need to sign/initial for each vehicle on the list).
3. The Bureau of Motor Vehicles, Enforcement Services Division, will verify that the information is accurate when considering the application.
4. Your plate(s) may be picked up at the BMV Administrative Office at 101 Hospital Street in Augusta or mailed to your agency, or a third party at your request by indicating the name and address on the MVI-23 form (YOU WILL NEED TO SUPPLY A PREPAID SHIPPING LABEL).
5. The confidential plate information will be entered into the confidential plate program database.
  - a. Please note that the CPP is a service for unmarked law enforcement vehicles, which are used primarily for law enforcement purposes. This confidential plate is issued for surveillance and other operations that may require the vehicle to go undetected for safety purposes.
  - b. The vehicle shall be legally registered with the State of Maine or Federally. This is the actual registration to the vehicle if involved in a traffic crash or other incident.
  - c. The CPP plate may only be renewed or transferred to another vehicle by the BMV Enforcement Services Division and not through a local municipality.
6. Information on unmarked confidential plates will NOT be given out to any entity inquiring. When a request is made for confidential plate information, the Bureau Representative receiving the request will collect the name and contact information for the requester. The Chief/Head of Agency or the primary contact for the agency that is issued the plate will be notified and provided with the requester's contact information.