

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 159

H. P. 126

House of Representatives, January 26, 1977

Referred to Committee on Labor. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Martin of Eagle Lake.

Cosponsors: Messrs. Mills of Eastport, Fenlason of Danforth, Hall of Sangerville.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT Prohibiting the Hiring of Illegal Aliens.

Be it enacted by the People of the State of Maine, as follows:

26 MRSA c. 7, sub-c. IX, is enacted to read:

SUBCHAPTER IX

ALIENS

§ 871. Illegal employment of aliens

1. Prohibition. No employer shall knowingly employ any alien in this State who has not been lawfully admitted to the United States for permanent residence, unless the employment of that alien is authorized by the United States Immigration and Naturalization Service.

2. Penalty. Violation of subsection 1 shall be a Class E crime. It is an affirmative defense to prosecution under subsection 1 that the employer, before employing or referring a person for employment, made a good faith inquiry as to whether that person was a United States citizen or an alien, and if the inquiry reasonably indicated that the person was an alien, the employer made a further good faith inquiry which reasonably indicated that the alien was lawfully admitted to the United States for permanent residence or that the United States Immigration and Naturalization Service had authorized the alien to accept employment in the United States.

A. A good faith inquiry under this subsection shall be in writing. An employment application form which requests citizenship data, or an alien

registration number if the applicant is an alien, meets the requirement of a good faith inquiry in writing.

B. A social security account number card shall not be deemed evidence of the United States Immigration and Naturalization Service's authorization for an alien to accept employment in the United States.

3. Regulations. The Commissioner of Manpower Affairs shall promulgate regulations specifying the procedure to be followed by each employer to ensure compliance with subsection 1. These regulations shall include provisions for reporting violations of section 1 to the Attorney General and to the United States Immigration and Naturalization Service.

STATEMENT OF FACT

This bill prohibits an employer from employing an alien who has not been lawfully admitted to the United States for permanent residence, unless the Immigration and Natuarlization Service has authorized him to accept employment. It further establishes a violation as a Class E crime, provides that a certain type of inquiry by the employer shall be an affirmative defense to more action and requires the Commissioner of Manpower Affairs to set forth regulations to ensure compliance.