

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

SECOND REGULAR SESSION-2010

Legislative Document

No. 1545

S.P. 593

In Senate, December 17, 2009

An Act To Protect Maine Workers

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 17, 2009. Referred to the Committee on Labor pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator JACKSON of Aroostook.
Cosponsored by Representative MARTIN of Eagle Lake and
Senator: GERZOFKY of Cumberland, Representative: Speaker PINGREE of North Haven.

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

2 **Sec. 1. 26 MRSA §871, sub-§1-A** is enacted to read:

3 1-A. Violation. Upon conviction, an employer who violates subsection 1 may not
4 employ aliens in this State for 5 years.

5 **Sec. 2. 26 MRSA §871, sub-§2**, as enacted by PL 1977, c. 116, is amended to
6 read:

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

15 A. A good faith inquiry under this subsection ~~shall~~ must be in writing. An
16 employment application form ~~which that~~ requests citizenship data, or an alien
17 registration number if the applicant is an alien, meets the requirement of a good faith
18 inquiry in writing.

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

22 **Sec. 3. 26 MRSA §872, sub-§2-A** is enacted to read:

23 2-A. Violation. Upon conviction, an employer who violates subsection 2 may not
24 employ bond workers in this State for 5 years.

25 **Sec. 4. 26 MRSA §872, sub-§5**, as amended by PL 2009, c. 381, §2, is further
26 amended to read:

27 **5. Penalty.** An employer who violates ~~this section~~ subsection 2 or 2-A commits a
28 civil violation for which a fine of not less than \$3,000 and not more than \$15,000 per
29 violation may be adjudged.

30 **SUMMARY**

31 This bill prohibits an employer from employing foreign laborers for 5 years if the
32 employer violates the required proof of equipment ownership or foreign labor
33 certification laws.