

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1307

H.P. 904

House of Representatives, April 4, 2017

An Act To Ensure Fair Employment Opportunity for Maine Citizens and Legal Residents

Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative GINZLER of Bridgton. (BY REQUEST)
Cosponsored by Senator MAKER of Washington and
Representatives: SIROCKI of Scarborough, STEWART of Presque Isle, TUELL of East
Machias, Senator: LANGLEY of Hancock.

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

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

3 **1-B. Inquiry.** An employer, before employing a person or referring a person for
4 employment, shall make a good faith inquiry as to whether that person is a United States
5 citizen or an alien, and if the inquiry reasonably indicates that the person is an alien, the
6 employer shall use the E-Verify program to verify the employment eligibility of that
7 person. As used in this section, "E-Verify program" means the federal E-Verify program
8 operated by the United States Department of Homeland Security and other federal
9 agencies or any successor or equivalent program used to verify a person's employment
10 eligibility.

11 **Sec. 2. 26 MRSA §871, sub-§2,** as amended by PL 2009, c. 637, §2, is further
12 amended to read:

13 **2. Penalty.** Violation of subsection 1 or 1-A is a Class E crime. It is an affirmative
14 defense to prosecution under subsection 1 that the employer, before employing a person
15 or referring a person for employment, made a good faith inquiry as to whether that person
16 was a United States citizen or an alien, and if the inquiry reasonably indicated that the
17 person was an alien, the employer ~~made a further good faith inquiry that reasonably~~
18 ~~indicated~~ used the E-Verify program to verify that the alien was lawfully admitted to the
19 United States for permanent residence or that the United States Immigration and
20 Naturalization Service had authorized the alien to accept employment in the United
21 States.

22 A. A good faith inquiry under this subsection must be in writing. An employment
23 application form that requests citizenship data, or an alien registration number if the
24 applicant is an alien, meets the requirement of a good faith inquiry in writing.

25 B. A social security account number card is not considered evidence of the United
26 States Immigration and Naturalization Service's authorization for an alien to accept
27 employment in the United States.

28 **SUMMARY**

29 This bill requires an employer, before employing a person or referring a person for
30 employment, to make a good faith inquiry as to whether that person is a United States
31 citizen or an alien, and if the inquiry reasonably indicates that the person is an alien, the
32 employer must use the E-Verify program operated by the United States Department of
33 Homeland Security to verify the employment eligibility of that person.