

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 1077

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H.P. 800

House of Representatives, March 5, 2019

**An Act To Ensure Fair Employment Opportunity for Maine  
Citizens and Legal Residents by Requiring the Use of the Federal  
Immigration Verification System**

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Reference to the Committee on Labor and Housing suggested and ordered printed.

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

ROBERT B. HUNT  
Clerk

Presented by Representative DeVEAU of Caribou.  
Cosponsored by Senator CYRWAY of Kennebec and  
Representatives: AUSTIN of Gray, FAULKINGHAM of Winter Harbor, HANINGTON of  
Lincoln, HANLEY of Pittston, JOHANSEN of Monticello, LOCKMAN of Bradley,  
ORDWAY of Standish, STETKIS of Canaan.

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. Verification required.** An employer shall register with and use the federal  
4 immigration verification system to determine the work eligibility status of new  
5 employees physically performing services in the State.

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

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

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

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

23 **Sec. 3. 26 MRSA §871, sub-§4** is enacted to read:

24 **4. Definition.** As used in this section, unless the context otherwise indicates,  
25 "federal immigration verification system" means the electronic verification of the work  
26 authorization program of the federal Illegal Immigration Reform and Immigrant  
27 Responsibility Act of 1996, 8 United States Code, Section 1324a, known as the E-Verify  
28 program, or an equivalent federal program designated by the United States Department of  
29 Homeland Security or other federal agency authorized to verify the work eligibility status  
30 of a newly hired employee pursuant to the federal Immigration Reform and Control Act  
31 of 1986.

32 **SUMMARY**

33 This bill requires an employer to register with and use the federal immigration  
34 verification system, currently known as the E-Verify program, to determine the work  
35 eligibility status of new employees physically performing services within the State.