

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

January 5, 1977 to July 25, 1977

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TITLE 3, SECTION 164, SUBSECTION 6.

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PUBLIC LAWS
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Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Legislature is considering proposals for removal of the spending ceiling on education; and

Whereas, the Legislature is considering proposals on special education; and

Whereas, the Legislature is considering proposals on vocational education; and

Whereas, in order to permit school administrative units to adopt budgets based upon legislative action on the above aspects of school financing, the date for adoption of school budgets must be extended until June 15th; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 20 MRSA § 3754, 1st sentence, as amended by PL 1977, c. 48, § 2, is further amended to read:

Notwithstanding any provisions of statute or charter to the contrary, municipalities, School Administrative Districts and community school districts may adopt their respective annual budgets at any time prior to ~~May 15th~~ June 15th, 1977.

Sec. 2. 20 MRSA § 3754, last sentence, as amended by PL 1977, c. 48, § 2, is further amended to read:

If a municipal charter provides that a budget proposed by a municipal official or body becomes effective when the municipal legislative body fails to adopt a budget by a specified date or within a specified period of time and that date falls prior to ~~May 15th~~ June 15th, that date shall be governed by the provisions of this section for the calendar year 1977.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective May 2, 1977

CHAPTER 116

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 subsection 1 to the Attorney General and to the United States Immigration and Naturalization Service.

Effective October 24, 1977

CHAPTER 117

AN ACT to Transfer the Alcohol Treatment and Education Program of Operating under the Influence Offenders to the Department of Human Services.

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