

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

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
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TITLE 3, SECTION 164, SUBSECTION 6.

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1977

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED AT THE
FIRST REGULAR SESSION
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ONE HUNDRED AND EIGHTH LEGISLATURE
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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:

Sec. 1. 29 MRSA § 1312, sub-§ 10, ¶ A, 1st 3 paragraphs, as last amended by PL 1975, c. 770, § 153, are repealed and the following enacted in their place:

Whoever shall operate or attempt to operate a motor vehicle within this State while under the influence of intoxicating liquor or drugs, upon conviction for a first offense, shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 90 days, or by both; and whoever is convicted of a 2nd or subsequent offense shall be punished by a fine of not more than \$2,000 or by imprisonment for not more than 6 months, or by both.

The imposition of a fine or sentence for a person convicted of a 2nd or subsequent offense under this section shall not be suspended and probation shall not be granted, except that a fine or sentence may be suspended and probation granted when as a condition of probation the offender is required to participate in an alcohol treatment or rehabilitation program.

Upon receipt of an attested copy of the court record of such conviction the license or permit and privilege to operate of such person shall be immediately suspended and in case of a conviction of a first violation of this section, the license or permit and privilege to operate shall not be reinstated by the Secretary of State prior to 30 days from the date of suspension and until such time as the Secretary of State has received written notice that the rehabilitation program under the auspices of the Department of Human Services has been satisfactorily completed, in which case the Secretary of State shall have the authority to issue a restricted license or permit to such person; except after 2 months he may petition the Secretary of State for hearing and, if after hearing the Secretary of State has determined that the public safety will not be endangered by issuing a new license or restoration of right to operate, the Secretary of State may, after 4 months, restore the license and privilege to operate a motor vehicle, with or without conditions or restrictions and under such terms as he may deem advisable, having in mind the safety of the public and the welfare of the petitioner. The Secretary of State shall also have the authority to issue a restricted license or permit to any person whose license or permit and privilege to operate a motor vehicle in this State has been suspended for a first refusal under subsection 2 provided such person has satisfactorily completed the rehabilitation program referred to in this section. Such license shall not be issued prior to 30 days from the date of suspension. The Department of Human Services is authorized to charge a registration fee not to exceed \$30 to participants in the rehabilitation program which shall be applied by him for defraying the expenses of the program.

Sec. 2. **Transitional provision.** It is the intent of the Legislature that all employees presently assigned to the alcohol treatment and education program operated under the auspices of the Secretary of State be transferred with the program to the Department of Human Services. Such employees shall retain their classified status, subject to the Personnel Law, unless they voluntarily relinquish it and shall be transferred without loss of sick leave, vacation pay, other benefits and seniority.