

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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

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

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

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

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

2. Penalty. Violation of subsection 1 or 1-A is a Class E crime. It is an affirmative defense to prosecution under subsection 1 that the employer, before employing a person 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 that reasonably indicated~~ used the E-Verify program to verify 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 must be in writing. An employment application form that 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 is not considered evidence of the United States Immigration and Naturalization Service's authorization for an alien to accept employment in the United States.

SUMMARY

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