



# 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.

*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.