

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 Protect Maine Workers

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

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

1-A. Violation. Upon conviction, an employer who violates subsection 1 may not employ aliens in this State for 5 years.

Sec. 2. 26 MRSA §871, sub-§2, as enacted by PL 1977, c. 116, is amended to read:

2. Penalty. Violation of subsection 1 ~~shall be~~ 1-A is 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~~that 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~~must be in writing. An employment application form ~~which~~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 ~~shall not be deemed~~ is not considered evidence of the United States Immigration and Naturalization Service's authorization for an alien to accept employment in the United States.

Sec. 3. 26 MRSA §872, sub-§2-A is enacted to read:

2-A. Violation. Upon conviction, an employer who violates subsection 2 may not employ bond workers in this State for 5 years.

Sec. 4. 26 MRSA §872, sub-§5, as amended by PL 2009, c. 381, §2, is further amended to read:

5. Penalty. An employer who violates ~~this section~~subsection 2 or 2-A commits a civil violation for which a fine of not less than \$3,000 and not more than \$15,000 per violation may be adjudged.

SUMMARY

This bill prohibits an employer from employing foreign laborers for 5 years if the employer violates the required proof of equipment ownership or foreign labor certification laws.