

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 the Privacy of Job Applicants**

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

**Sec. 1. 10 MRSA §1313-A, sub-§2, ¶A**, as amended by PL 2001, c. 371, §7, is further amended to read:

A. A consumer reporting agency may furnish a consumer report for employment purposes only if:

(1) The person who obtains the report from the agency certifies to the agency that:

(a) The person has complied with paragraph B with respect to the consumer report, and the person will comply with section 1320 with respect to the consumer report if section 1320 becomes applicable; and

(b) Information from the consumer report will not be used in violation of any applicable federal or state equal employment opportunity law or regulation; ~~and~~

(2) The consumer reporting agency provides with the report, or has previously provided, a summary of the consumer's rights as prescribed by the Federal Trade Commission under 15 United States Code, Section 1681g(c)(3); and

(3) The consumer report contains no information regarding creditworthiness, credit standing, credit capacity, debts, check-writing experience or insurability.

**Sec. 2. 26 MRSA §600-A** is enacted to read:

### **§ 600-A. Use of consumer reports**

An employer or an agent of an employer may not request or use as part of any hiring process or decision a consumer report, as defined in Title 10, section 1312, containing information regarding a prospective employee's creditworthiness, credit standing, credit capacity, debts, check-writing experience or insurability. An employer or an agent of an employer who violates this section commits a civil violation for which a fine of not less than \$500 nor more than \$1,000 for each violation may be adjudged.

## **SUMMARY**

This bill prohibits employers and agents of employers from obtaining consumer reports that contain information regarding creditworthiness, credit standing, credit capacity, debts, check-writing experience or insurability of an employee or prospective employee, and prohibits consumer reporting agencies from

furnishing this information to anyone for employment purposes. This bill also creates a civil penalty of \$500 to \$1,000 applicable to employers or their agents for each violation of this law. Consumer reporting agencies may still furnish, and employers and their agents may still obtain, consumer reports on an employee or prospective employee that contain information regarding character, general reputation and personal characteristics.