



126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 1195

H.P. 839

House of Representatives, March 26, 2013

An Act To Protect the Privacy of Job Applicants

Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative JONES of Freedom.
Cosponsored by Representatives: BEAVERS of South Berwick, CHIPMAN of Portland,
HICKMAN of Winthrop, SANDERSON of Chelsea, VILLA of Harrison.

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

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

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

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

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

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

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

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

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

20 **§600-A. Use of consumer reports**

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

27 **SUMMARY**

28 This bill prohibits employers and agents of employers from obtaining consumer
29 reports that contain information regarding creditworthiness, credit standing, credit
30 capacity, debts, check-writing experience or insurability of an employee or prospective
31 employee, and prohibits consumer reporting agencies from furnishing this information to
32 anyone for employment purposes. This bill also creates a civil penalty of \$500 to \$1,000
33 applicable to employers or their agents for each violation of this law. Consumer
34 reporting agencies may still furnish, and employers and their agents may still obtain,
35 consumer reports on an employee or prospective employee that contain information
36 regarding character, general reputation and personal characteristics.