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Date: (Filing No. S- )

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**STATE OF MAINE  
SENATE  
127TH LEGISLATURE  
FIRST REGULAR SESSION**

SENATE AMENDMENT “ ” to COMMITTEE AMENDMENT “B” to H.P. 640, L.D. 921, Bill, “An Act To Strengthen the Right of a Victim of Sexual Assault or Domestic Violence To Take Necessary Leave from Employment”

Amend the amendment by inserting after the title the following:

'Amend the bill by striking out the title and substituting the following:

**'An Act To Strengthen the Right of a Victim of Sexual Assault or Domestic Violence To Take Necessary Leave from Employment and To Promote Employee Social Media Privacy' '**

Amend the amendment by inserting before section 1 the following:

**'PART A'**

Amend the amendment by striking out all of section 2 and inserting the following:

**'PART B**

**Sec. B-1. 26 MRSA c. 7, sub-c. 1-C** is enacted to read:

**SUBCHAPTER 1-C**

**EMPLOYEE SOCIAL MEDIA PRIVACY**

**§615. Definitions**

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Applicant.** "Applicant" means an applicant for employment.

**2. Employee.** "Employee" means an individual who provides services or labor for an employer for wages or other remuneration.

1           **3. Employer.** "Employer" means a person in this State who employs individuals and  
2 includes the State and political subdivisions of the State. "Employer" includes a person  
3 acting in the interest of an employer directly or indirectly.

4           **4. Social media account.** "Social media account" means an account with an  
5 electronic medium or service through which users create, share and view user-generated  
6 content including but not limited to videos, still photographs, blogs, video blogs,  
7 podcasts, instant and text messages, e-mail, online service accounts and Internet website  
8 profiles and locations. "Social media account" does not include an account opened at an  
9 employer's behest or provided by an employer or intended to be used primarily on behalf  
10 of an employer.

11           **§616. Prohibitions**

12           An employer may not:

13           **1. Passwords.** Require or coerce an employee or applicant to disclose, or request  
14 that an employee or applicant disclose, the password or any other means for accessing a  
15 personal social media account;

16           **2. Access in presence.** Require or coerce an employee or applicant to access, or  
17 request that an employee or applicant access, a personal social media account in the  
18 presence of the employer or an agent of the employer;

19           **3. Information.** Require or coerce an employee or applicant to disclose any  
20 personal social media account information;

21           **4. Contacts.** Require or cause an employee or applicant to add anyone, including  
22 the employer or an agent of the employer, to the employee's or applicant's list of contacts  
23 associated with a personal social media account;

24           **5. Settings.** Require or cause an employee or applicant to alter, or request that an  
25 employee or applicant alter, settings that affect a 3rd party's ability to view the contents of  
26 a personal social media account;

27           **6. Employees.** Discharge, discipline or otherwise penalize or threaten to discharge,  
28 discipline or otherwise penalize an employee for the employee's refusal to disclose or  
29 provide access to information as specified in subsection 1, 2 or 3 or for refusal to add  
30 anyone to the employee's list of contacts associated with a personal social media account  
31 as specified in subsection 4 or to alter the settings associated with a personal social media  
32 account as specified in subsection 5; or

33           **7. Applicants.** Fail or refuse to hire an applicant as a result of the applicant's refusal  
34 to disclose or provide access to information specified in subsection 1, 2 or 3 or refusal to  
35 add anyone to the applicant's list of contacts associated with a personal social media  
36 account as specified in subsection 4 or to alter the settings associated with a personal  
37 social media account as specified in subsection 5.

38           **§617. Exceptions**

39           **1. Publicly available information.** This subchapter does not apply to information  
40 about an applicant or employee that is publicly available.



1	All Other	\$22,600	\$22,600
2			
3	GENERAL FUND TOTAL	<u>\$46,467</u>	<u>\$54,972</u>
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5 Amend the amendment by relettering or renumbering any nonconsecutive Part letter  
6 or section number to read consecutively.

7 **SUMMARY**

8 This amendment amends Committee Amendment "B" to strike the bill and replace it.  
9 Part A changes the penalties that may be assessed for violations of the employment leave  
10 for victims of violence law, as follows.

11 1. It increases the fine from up to \$200 per violation to up to \$1,000 per violation  
12 and provides that the fine applies only to denials of leave in violation of the law.

13 2. It provides that, for denial of leave in violation of the law, the employer must pay  
14 the affected individual an amount 3 times the total assessed fines.

15 3. It provides that, for termination in connection with exercising a right granted  
16 under the law, the affected individual may choose either to receive an amount 3 times the  
17 total assessed fines or reemployment with the employer with back wages.

18 Part B incorporates the substance of L.D. 686 as amended by Committee Amendment  
19 "A" to that L.D. to protect the social media privacy of employees and applicants for  
20 employment.

21 Part C contains an appropriations and allocations section.

22 **FISCAL NOTE REQUIRED**  
23 **(See attached)**

24 SPONSORED BY: \_\_\_\_\_

25 (Senator HAMPER)

26 COUNTY: Oxford