

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-41)
109TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 139, L.D. 158, Bill, "AN ACT to Require Personnel Files to Include Medical Records and Nurses' Station Notes."

Amend the Bill by striking out everything after the enacting clause and inserting in its place the following:

'Sec. 1. 26 MRSA §631, last sentence, as enacted by PL 1975, c. 694, §2, is amended to read:

For the purpose of this section, a personnel file shall include, but not be limited to, any formal or informal employee evaluations and reports relating to the employee's character, credit, work habits, compensation and benefits and nonprivileged medical records or nurses' station notes relating to the employee which the employer has in his possession.

Sec. 2. 26 MRSA §631, as enacted by PL 1975, c. 694, §2, is amended by adding at the end a new sentence to read:

Any employer who, following a request pursuant to this section, without good cause fails to provide an opportunity for review of a personnel file, within 10 days of receipt of that request shall be subject to a / ^{civil penalty} of \$25 for each day that such a failure continues. The total / ^{penalty} may not exceed \$500 and shall be payable to the affected employee or former employee.'

Statement of Fact

This amendment accomplishes the following:

1. Requires employers to keep in an employee's personnel file nonprivileged medical records and nurses' stations notes;
2. Imposes a ^{penalty} / on the employer only if he did not have "good cause" for failing to hand over an employee's personnel file; and
3. Limits the possible ^{penalty} / an employer could be charged with to \$500.

Reported by the Majority of the Committee on Labor
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the House.

2/26/79 (Filing No. H-41)