

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 449

H.P. 330

House of Representatives, February 27, 1989

Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative CLARK of Millinocket.

Cosponsored by Representative PINEAU of Jay, Representative McHENRY of Madawaska and President PRAY of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

**An Act Concerning an Employee's Right to Review the Employee's
Personnel File.**



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

3 **26 MRSA §631**, as amended by PL 1979, c. 66, §§1, 2, is
5 further amended to read:

7 **§631. Employee right to review personnel file**

9 The employer shall, upon written request from an employee or
11 former employee, provide the employee, former employee or his
13 the employee's personnel file if the employer has a personnel
15 file for that employee. Such The reviews shall take place at the
17 location where the personnel files are maintained and during
19 normal office hours. The employer may at his the employer's
21 discretion allow the review to take place at such other location
23 and time as would be more convenient for the employee. For the
25 purpose of this section, a personnel file shall include, but not
27 be limited to, any formal or informal employee evaluations and
29 reports relating to the employee's character, credit, work
31 habits, compensation and benefits and ~~nonprivileged~~ medical
33 records or nurses' station notes relating to the employee which
35 the employer has in his the employer's possession. Any employer
37 who, following a request pursuant to this section, without good
39 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 forfeiture of \$25 for each day that such a
failure continues. The total penalty forfeiture may not exceed
\$500.

31 **STATEMENT OF FACT**

33 This bill provides that an employee's personnel file shall
35 include either privileged or nonprivileged medical records or
37 nurses' station notes. Previous law provided that only
39 nonprivileged medical records or nurses' station notes relating
to the employee could be included in the file.