

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1530

S.P. 576

In Senate, April 16, 1991

Reference to the Committee on Banking and Insurance suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator KANY of Kennebec

Cosponsored by Representative TRACY of Rome, Representative JOSEPH of Waterville and Senator ESTY of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act to Provide for Open and Responsible Access to Workers' Compensation, Workplace Injury, Workers' Compensation Insurance and Self-insurance Records and to Prohibit the Use of These Records for Unlawful Discriminatory Purposes.

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

4 39 MRSA c.1.sub-c.V is enacted to read:

6 SUBCHAPTER V

8 ACCESS TO WORKERS' COMPENSATION RECORDS

10 §115. Definitions

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

14 1. Workers' compensation records. "Workers' compensation records" means any written, printed or graphic matter or any mechanical or electronic data compilation from which information can be obtained directly or after translation into a form susceptible of visual or oral comprehension that is in the possession or custody of any agency of this State and has been received or prepared for use in connection with workplace injuries, occupational diseases, work injury claims, workers' compensation insurance and self-insurance including group self-insurance.

24 §116. Workers' compensation records

26 1. Records open to public. Except as provided in subsection 2, all records relating to workplace injuries, occupational diseases, work injury claims or workers' compensation insurance and self-insurance, including group self-insurance, are available and open to the public subject to the following.

34 A. Records must be provided in written form and only in response to a written request for the records.

36 B. Before obtaining any records, the person requesting the records must agree in writing:

40 (1) Not to release any records obtained to any other person or entity within the State or outside the State except in a public and open publication; and

42 (2) Not to use or allow the use of the records for discriminatory or improper purposes in violation of the laws of the State.

44 C. Before obtaining any records, a person residing outside the State must submit a form in which the person agrees to submit to the jurisdiction of the courts in the State and submit a bond with adequate and good securities in an amount

2 not less than \$100,000 as surety for damages for any
3 improper use of the records made available to that person.

4 2. Exceptions. A record may not be made available in any
5 form to an employer or representative of any employer involved in
6 any way in the employment or reemployment in the job assignment
7 process.

8
9 **§117. Joint and several liability**

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11 Any person and any scheme or plan known as a claims index or
12 claims index bureau obtaining any information regarding workplace
13 injuries, workers' compensation claims or workers' compensation
14 insurance and self-insurance, including group self-insurance is
15 jointly and severally liable with any person who provides that
16 information to persons involved in the employment or reemployment
17 in the job assignment process.

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20 **STATEMENT OF FACT**

21
22 This bill allows workers' compensation records to be open to
23 the public under specified conditions. The records must be
24 provided in written form and in response to a written request.
25 The person requesting the records must agree not to release the
26 records except in a public and open publication and agree not to
27 use the records for discriminatory or improper purpose. A person
28 who is a resident outside the State must submit to the
29 jurisdiction of the Maine courts and post a surety bond of at
30 least \$100,000. The bill provides that a record may not be made
31 available to an employer involved in the job assignment process.
32 The bill creates joint and several liability for any damages
33 resulting from improper handling or transmission of workers'
34 compensation records.