

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 704

S.P. 264

In Senate, March 2, 1995

**An Act to Provide Limited Immunity to Former Employers Who Provide  
References.**

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Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS  
Secretary of the Senate

Presented by Senator HARRIMAN of Cumberland.

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

4 **Sec. 1. 26 MRSA §598** is enacted to read:

6 **§598. Employment reference immunity**

8 An employer who, at the request of a former employee,  
10 discloses information about that former employee's job  
12 performance to a prospective employer of the former employee is  
14 presumed to be acting in good faith. Unless clear and convincing  
16 evidence of lack of good faith is shown, the employer who  
18 discloses the requested employment information is immune from  
20 civil liability for the disclosure and its consequences. For the  
22 purposes of this section, "clear and convincing evidence of lack  
24 of good faith" means evidence that clearly shows the knowing  
26 disclosure, with malicious intent, of false or deliberately  
misleading information or the knowing disclosure of information  
considered confidential according to applicable federal, state or  
local statutes, rules or regulations.

22 **STATEMENT OF FACT**

24 This bill creates immunity from civil liability for an  
26 employer providing employment references for a former employee  
unless the employer knowingly and maliciously provides false or  
misleading information or discloses confidential information.