

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

SECOND REGULAR SESSION-1998

Legislative Document

No. 1997

H.P. 1433

House of Representatives, January 14, 1998

An Act to Expand Access to Employment Security Data to Authorized Agents of Child Support Enforcement Agencies.

Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative PENDLETON of Scarborough. (GOVERNOR'S BILL)
Cosponsored by Senator CATHCART of Penobscot and
Representatives: HATCH of Skowhegan, RINES of Wiscasset, SAMSON of Jay.

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

2
4 **Sec. 1. 26 MRSA §1082, sub-§7**, as amended by PL 1985, c. 537,
is further amended to read:

6 **7. Records and reports.** Each employing unit shall keep true
and accurate work records, containing such information as the
8 commissioner may prescribe. These records shall ~~must~~ be open to
inspection and be subject to being copied by the commissioner or
10 his the commissioner's authorized representatives at any
reasonable time and as often as may be necessary. The
12 commissioner may require from any employing unit any sworn or
unsworn reports, with respect to persons employed by it, which
14 that the commissioner deems considers necessary for the effective
administration of this chapter. Information thus obtained or
16 obtained from any individual pursuant to the administration of
this chapter shall, except to the extent necessary for proper
18 presentation of a claim, ~~must~~ be held confidential and shall ~~may~~
not be published or ~~be-open~~ opened to public inspection, other
20 than to public employees in the performance of their public
duties or to any agent of an agency that is under contract with a
22 state or local child-support agency, or to any agent of an agency
that is under contract or subcontract with the state employment
24 and job training agency, pursuant to safeguards established by
the commissioner, in any manner revealing the individual's or
26 employing unit's identity, but the department shall, upon
request, provide to any party to an adjudicatory proceeding
28 information from the records relating to the proceeding. Final
decisions of adjudicatory proceedings are available to the public
30 provided that the names and addresses of claimants and employers
are deleted from the decisions. Records, with any necessary
32 authentication thereof, required in the prosecution of any
criminal action brought by another state for misrepresentation to
34 obtain benefits under the law of this State shall ~~must~~ be made
available to the agency administering the employment security law
36 of any such state for the purpose of such prosecution. Any
person who violates any provision of this subsection shall ~~be~~ is
38 guilty of a Class E crime. Any agent of an agency that is under
contract with a state or local child-support agency, or any agent
40 of an agency that is under contract or subcontract with the state
employment and job training agency who discloses any information
42 that is confidential pursuant to this subsection, other than
disclosure authorized by this subsection, is guilty of a Class E
44 crime.

46
48 **SUMMARY**

50 The federal welfare reform bill, Public Law 104-193,
requires state and local child-support enforcement agencies or
their authorized agents to obtain access to employment security

2 records for the purpose of expanding procedures relating to
3 establishing paternity or for establishing, modifying or
4 enforcing child-support orders. The purpose of this change in
5 law is to bring Maine's unemployment law into conformity with
6 federal law.

7 This bill also grants access to this information to agents
8 of the state employment and job training agency, in order to
9 facilitate the integration of the job service and job training
10 functions as job training is delivered through subcontracting
agencies in some parts of the State.