

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1402

H.P. 1030

House of Representatives, April 5, 2011

An Act To Extend Employment Reference Immunity to School Administrative Units

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative DOW of Waldoboro.

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

2 **Sec. 1. 20-A MRSA §4010** is enacted to read:

3 **§4010. Employment reference immunity**

4 An employee of a school administrative unit who discloses information about a
5 former employee's job performance or work record to a prospective employer of the
6 former employee is presumed to be acting in good faith and, unless lack of good faith is
7 shown by clear and convincing evidence, is immune from civil liability for such
8 disclosure or its consequences. "Clear and convincing evidence of lack of good faith"
9 means evidence that clearly shows the knowing disclosure, with malicious intent, of false
10 or deliberately misleading information. This section is supplemental to and not in
11 derogation of any claims available to the former employee that exist under state law and
12 any protections that are already afforded employers under state law.

13 **SUMMARY**

14 This bill extends employment reference immunity to employees of school
15 administrative units.