

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)



127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

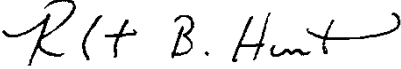
No. 1157

H.P. 795

House of Representatives, March 31, 2015

An Act To Protect Preemployment Credit Privacy

Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.


ROBERT B. HUNT
Clerk

Presented by Representative HAMANN of South Portland.
Cosponsored by Senator PATRICK of Oxford and
Representatives: GILBERT of Jay, HERBIG of Belfast, MARTIN of Eagle Lake,
MASTRACCIO of Sanford.

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

2 **Sec. 1. 26 MRSA §600-A** is enacted to read:

3 **§600-A. Use of credit reports**

4 **1. Prohibition.** An employer or an agent of an employer may not request or use as
5 part of any hiring process or decision information regarding a prospective employee's
6 creditworthiness, credit standing, credit capacity, debts or check-writing experience.

7 **2. Exceptions.** This section does not apply to the request of an employer or an agent
8 of an employer in the following circumstances:

9 A. When the job for which the prospective employee is applying requires
10 management of the company's finances or a customer's financial assets;

11 B. When the employer is in the financial services industry; or

12 C. When the employer is otherwise required by law to obtain this information.

13 **3. Penalty.** An employer or agent of an employer who violates this section commits
14 a civil violation for which a fine of not less than \$500 nor more than \$1,000 for each
15 violation may be adjudged. The director shall enforce this section.

16 **SUMMARY**

17 This bill prohibits employers from obtaining information regarding the
18 creditworthiness, credit standing, credit capacity, debts or check-writing experience of a
19 prospective employee as part of the hiring process or decision. There are exceptions from
20 this prohibition in the bill for circumstances in which the job requires management of the
21 company's finances or a customer's financial assets, the employer is in the financial
22 services industry or the employer is otherwise required by law to obtain this information.
23 Violation of this prohibition is a civil violation for which a fine from \$500 to \$1,000 for
24 each violation may be adjudged. The prohibition is enforced by the Director of Labor
25 Standards within the Department of Labor.