

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 410

S.P. 137

In Senate, February 7, 2017

**An Act To Except from the Freedom of Access Act Certain
Information in the Possession of the Maine Public Employees
Retirement System**

Submitted by the Maine Public Employees Retirement System pursuant to Joint Rule 204.
Reference to the Committee on Judiciary suggested and ordered printed.

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

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator HAMPER of Oxford.

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

2 **Sec. 1. 5 MRSA §17057, sub-§1**, as repealed and replaced by PL 1991, c. 824,
3 Pt. A, §7, is amended to read:

4 **1. Medical information.** Medical information of any kind in the possession of the
5 retirement system, including information pertaining to diagnosis or treatment of mental or
6 emotional disorders, is confidential and not open to public inspection and does not
7 constitute "public records" as defined in Title 1, section 402, subsection 3. Records
8 containing medical information may be examined by the employee to whom they relate
9 or by the State or participating local district employer of the employee for any purposes
10 related to any claim for workers' compensation or any other benefit. The employee must
11 be advised in writing by the retirement system of any request by the employer to examine
12 the employee's medical records. Medical information obtained pursuant to this section
13 remains confidential, except as otherwise provided by law, and except when involved in
14 proceedings resulting from an appeal pursuant to section 17451 ~~or proceedings regarding~~
15 ~~claims for other retirement benefits~~, subsection 2.

16 **Sec. 2. 5 MRSA §17057, sub-§2**, as repealed and replaced by PL 1991, c. 824,
17 Pt. A, §7, is repealed and the following enacted in its place:

18 **2. Financial and personal information.** The following private financial and
19 personal information of members, beneficiaries or participants in any of the programs of
20 the retirement system in the possession of the retirement system is confidential and not
21 open to public inspection and does not constitute "public records" as defined in Title 1,
22 section 402, subsection 3:

23 A. Information regarding member, beneficiary or participant accounts with financial
24 institutions, including account numbers;

25 B. Information regarding member and beneficiary election of payment methods,
26 including elected deductions from those payments;

27 C. Information regarding participation in defined contribution or deferred
28 compensation plans, including account numbers, investment allocations,
29 contributions, distributions and balances;

30 D. Information regarding designated beneficiaries; and

31 E. Information regarding a participant's amount of insurance coverage or group life
32 insurance.

33 **SUMMARY**

34 This bill excepts from the Freedom of Access Act specific private medical, personal
35 and financial information of members, beneficiaries and participants in any of the
36 programs of the Maine Public Employees Retirement System in the possession of the
37 system.