

MAINE STATE LEGISLATURE

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DMC
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L.D. 1790

Date: 6/18/19

(Filing No. H-638)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1272, L.D. 1790, Bill, "An Act To Amend the Law To Protect the Confidentiality of State and Local Government Employees' Private Information"

Amend the bill by striking out all of section 1 and inserting the following:

Sec. 1. 5 MRSA §7070, sub-§2, ¶D-1, as amended by PL 2007, c. 597, §6, is repealed and the following enacted in its place:

D-1. Personal information, including that which pertains to the employee's:

- (1) Age;
- (2) Ancestry, ethnicity, genetic information, national origin, race or skin color;
- (3) Marital status;
- (4) Mental or physical disabilities;
- (5) Personal contact information, as described in Title 1, section 402, subsection 3, paragraph O;
- (6) Personal employment choices pertaining to elected payroll deductions, deferred compensation, savings plans, pension plans, health insurance and life insurance;
- (7) Religion;
- (8) Sex, gender identity or sexual orientation as defined in section 4553, subsection 9-C; or
- (9) Social security number.

Such personal information may be disclosed publicly in aggregate form, unless there is a reasonable possibility that the information would be able to be used, directly or indirectly, to identify any specific employee.

COMMITTEE AMENDMENT

1 When there is a work requirement for public access to personal information under
2 this paragraph that is not otherwise protected by law, that information may be made
3 public. The Director of the Bureau of Human Resources, upon the request of the
4 employing agency, shall make the determination that the release of certain personal
5 information not otherwise protected by law is allowed; and'

6 Amend the bill in section 2 in paragraph B by striking out all of subparagraph (6)
7 (page 2, lines 5 to 19 in L.D.) and inserting the following:

8 '(6) Personal information, including that which pertains to the employee's:

9 (a) Age;

10 (b) Ancestry, ethnicity, genetic information, national origin, race or skin
11 color;

12 (c) Marital status;

13 (d) Mental or physical disabilities;

14 (e) Personal contact information, as described in Title 1, section 402,
15 subsection 3, paragraph O;

16 (f) Personal employment choices pertaining to elected payroll deductions,
17 deferred compensation, savings plans, pension plans, health insurance and
18 life insurance;

19 (g) Religion;

20 (h) Sex, gender identity or sexual orientation as defined in Title 5, section
21 4553, subsection 9-C; or

22 (i) Social security number.

23 Such personal information may be disclosed publicly in aggregate form, unless
24 there is a reasonable possibility that the information would be able to be used,
25 directly or indirectly, to identify any specific employee; and'

26 Amend the bill in section 3 in subsection 1 in paragraph B by striking out all of
27 subparagraph (6) (page 3, lines 33 to 40 and page 4, lines 1 to 7 in L.D.) and inserting the
28 following:

29 '(6) Personal information, including that which pertains to the employee's:

30 (a) Age;

31 (b) Ancestry, ethnicity, genetic information, national origin, race or skin
32 color;

33 (c) Marital status;

34 (d) Mental or physical disabilities;

35 (e) Personal contact information, as described in Title 1, section 402,
36 subsection 3, paragraph O;

1 (f) Personal employment choices pertaining to elected payroll deductions,
2 deferred compensation, savings plans, pension plans, health insurance and
3 life insurance;

4 (g) Religion;

5 (h) Sex, gender identity or sexual orientation as defined in Title 5, section
6 4553, subsection 9-C; or

7 (i) Social security number.

8 Such personal information may be disclosed publicly in aggregate form, unless
9 there is a reasonable possibility that the information would be able to be used,
10 directly or indirectly, to identify any specific employee; and'

11 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
12 section number to read consecutively.

13 **SUMMARY**

14 The purpose of the bill is to provide consistency among state, county and municipal
15 employees regarding the protection of private information.

16 The amendment replaces the paragraph amended in the bill on private information of
17 state employees to adopt the same format as for the private information of county and
18 municipal employees. It includes ethnicity in the private information of state employees
19 to provide consistency and includes gender identity in all 3 lists of private information.

20 The amendment adds language to each statute to ensure that aggregated private
21 information about state, county and municipal employees is publicly accessible.

FISCAL NOTE REQUIRED
(See attached)



Revised: 06/11/19 *MAC*

129th MAINE LEGISLATURE

LD 1790

LR 2151(02)

**An Act To Amend the Law To Protect the Confidentiality of State and Local Government Employees'
Private Information**

Fiscal Note for Bill as Amended by Committee Amendment

Committee: Judiciary

Fiscal Note Required: Yes

A(H-638)

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Any additional costs to state departments and agencies to meet the requirements in this bill regarding the confidentiality of certain personnel records can be absorbed within existing budgeted resources.