

HOUSE No. 4623

The Commonwealth of Massachusetts

By Ms. Coakley-Rivera of Springfield, for the committee on Labor and Workforce Development, on House, Nos. 1797 and 1855, a Bill updating and streamlining the regulation of employment agencies (House, No. 4623). April 16, 2010.

FOR THE COMMITTEE:

NAME:	DISTRICT/ADDRESS:
Cheryl A. Coakley-Rivera	10th Hampden

The Commonwealth of Massachusetts

In the Year Two Thousand and Ten

An Act updating and streamlining the regulation of employment agencies.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 140 of the of the General Laws, as appearing in the 2008 Official
2 Edition, is hereby amended by striking out sections 46A through 46R, inclusive, and inserting in
3 place thereof the following sections:-

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5 Section 46A. As used in this section and in sections 46B to 46M, inclusive, the following words
6 shall have the following meanings:

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8 “Applicant”, any applicant for employment, work, assignment or engagement, without regard to
9 whether the applicant, when placed, is paid by the employment agency or another employer, or is
10 an independent contractor. In the case of an applicant who is paid by an employment agency, for
11 purposes of this chapter, the applicant shall continue to be considered an applicant while the
12 applicant is employed or paid by the employment agency.

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14 “Applicant fee”, any money or other valuable consideration paid or promised to be paid by a job
15 applicant, employee, or worker, or a prospective job applicant, employee, or worker, to an
16 employment agency for any goods or services rendered.

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18 “Application”, a form prescribed by the commissioner to be completed by any person required to
19 possess an employment agency registration.

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21 “Assignment”, any placement, job or task to which an applicant, employee or worker has been
22 directed or referred by an employment agency.

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24 “Client,” any person or business that utilizes the services of an employment agency by accepting
25 the assignment, placement, recruitment, referral, engagement, or employment of workers or
26 applicants provided by an employment agency to perform work for said client.

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28 “Client fee”, any money or other valuable consideration paid or promised to be paid by a client
29 to an employment agency for goods or services rendered.

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31 “Commissioner”, the commissioner of the division.

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33 “Division”, the division of occupational safety.

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35 “Emigrant agent”, any person who, on behalf of an employment agency and for a fee, procures
36 or attempts to procure employment, work, assignment or engagement in the commonwealth for
37 persons outside the commonwealth seeking such employment, work, assignment or engagement,
38 or, applicants, employees or workers from outside the commonwealth for employers in the
39 commonwealth seeking the services of such applicants, employees or workers.

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41 “Employee”, any individual in the service of another under any contract of hire, express or
42 implied, oral or written.

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44 “Employment”, service, including service in interstate commerce, performed for wages or under
45 any contract, oral or written, express or implied, by an employee for the employee’s employer.

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47 “Employment agency”, any person who conducts in whole or in part a business for the purpose
48 of procuring or attempting to procure permanent or temporary help, employment, work,
49 assignment or engagement, or for the registration of such persons seeking permanent or
50 temporary help, employment, work, assignment or engagement, or for giving information as to
51 where and of whom such help, employment, work, assignment or engagement may be procured,
52 where a fee is exacted or attempted to be collected for such service, regardless of whether the fee
53 is a client fee or an applicant fee. For the purposes of this chapter, “employment agency” shall
54 include “staffing agency” as defined by section 159C of chapter 149.

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56 “Engagement”, a period of employment as defined herein, or work that lasts for a limited period
57 of time, including, but not limited to, modeling engagements.

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59 “Fee”, (a) any money or other valuable consideration paid or promised to be paid either by an
60 applicant, employee, worker or a client, for goods or services rendered or to be rendered by any
61 person conducting an employment agency under this chapter;

62 (b) the difference between the amount of money received by any person who furnishes
63 applicants, employee or workers and the amount paid by the employment agency to such
64 applicant, employee or worker.

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66 “Help”, any individual in the service of another person or entity for wages or other
67 compensation, regardless of whether the individual is an employee of that person or entity, or
68 whether the individual’s wages or other compensation are paid by an employment agency, a
69 client, or any other third party.

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71 “Job order”, information provided by an employment agency to an applicant, employee or
72 worker that details the specifics of the employment, work, assignment or engagement to which
73 an agency is referring, assigning, or providing information to an applicant, employee or worker.

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75 “Person”, any individual, company, sole proprietorship, limited partnership, joint venture,
76 society, association, corporation, manager, contractor, subcontractor, or their agency or
77 employees but shall not include any labor organization as defined in section 2 of chapter 150A;
78 nor any agency operated by a religious, charitable, or nonprofit organization or accredited
79 educational institution; nor any agency operated by the federal, state or municipal governments;
80 nor any person validly licensed pursuant to section 180C; however, the provisions of section 46J
81 shall apply to such person.

82
83 “Registrant”, a person who has been issued an employment agency registration.

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85 “Registration”, a certificate issued by the commissioner that signifies that an employment agency
86 owner has filed a complete application with the division to conduct the activities of an
87 employment agency as defined in this section and has met the requirements of sections 46B to
88 46D, inclusive.

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90 “Work”, physical or mental effort or activity directed toward the production or accomplishment
91 of something; a job, trade, profession or employment.

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93 “Worker”, any individual hired, referred, recommended, placed or sent to perform work,
94 regardless of whether the individual is an employee or an independent contractor.

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96 “Work order”, written record of request or authorization for services by a client to an
97 employment agency providing specific information about the services requested or authorized.

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99 Section 46B. Notwithstanding the other provisions of this chapter, no person shall open, keep,
100 maintain, conduct, or advertise any employment agency unless the person has been issued a
101 registration therefor under section 46D from the commissioner. Such registration shall be posted
102 in a conspicuous place in each employment agency conducted by such person.

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104 Section 46C. Any person shall, before opening, keeping, establishing, maintaining, conducting
105 or advertising an employment agency, first make an application for such registration to the
106 commissioner. Such application shall be made by the owner or owners of the employment
107 agency, and if the agency is owned by a corporation, such application shall be made by the
108 president and treasurer thereof. Each application shall be in a form prescribed by the
109 commissioner and shall contain, at minimum, the name and address of the registration applicant;
110 the street and number of the building or place where the business is to be conducted; any other
111 businesses owned or operated by the registration applicant; the name of the individual who will
112 direct and operate the placement activities of the employment agency, whether such individual is
113 the registration applicant or another; the types of jobs, work, assignments or engagements to
114 which the employment agency will refer or assign applicants, employees or workers; a non-
115 refundable application fee; a copy of a government-issued photo identification; an affirmation of
116 compliance with the requirement to post or distribute the Massachusetts Minimum Wage and
117 Hour poster pursuant to 453 CMR 1.00, §2.06(1) and certification that the person is in
118 compliance with section 49A(a) of chapter 62C; section 188(d) of chapter 149, ; section 14G(e)
119 of chapter 151A; , section 19A(a) of chapter 151A, and section 25C(6) of chapter 152. The

120 commissioner shall not issue a registration to any registration applicant that the commissioner
121 finds to be in violation of the provisions of the General Laws for which certification of
122 compliance is required and may revoke the registration of any employment agency the
123 commissioner subsequently learns has falsely made such certification. The employment agency
124 may make another application for registration at such time that it can make the required
125 certifications.

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127 Section 46D. (a) The commissioner may examine or cause to be examined the place in which
128 the registration applicant proposes to conduct an employment agency. Any and all forms and
129 contracts to be used, and any fees to be charged by the agency shall be available for review by
130 the commissioner or any duly authorized agent or inspector designated by the commissioner. No
131 registration shall be issued by the commissioner if the place in which the business of the
132 employment agency is to be conducted is in a room used for living purposes, including a room
133 where people sleep or a room where meals are prepared. Home offices are acceptable, provided
134 that there is a dedicated area for the business of the employment agency to be conducted and a
135 secure location for the storage of files. Interviews and in-person interactions with applicants,
136 employees or workers are not allowed in home offices unless there is a separate entrance/egress
137 from the main living area of the residence.

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139 (b) Each completed application shall be granted or denied within 60 business days from
140 the date of its filing. Any registration issued hereunder shall be in effect until 1 year following
141 the date of issuance.

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143 Section 46E. A registration issued under section 46D shall not be assigned or transferred without
144 notification to the commissioner within 30 calendar days of the effective date of the assignment
145 or transfer. Any change in location or name shall be endorsed upon the registration certificate.
146 More than 1 such registration may be issued to the same person. If a registrant or registration
147 applicant desires to establish or keep an employment agency at more than 1 location, he must
148 apply for a registration for each location at which he intends to conduct said employment agency.
149 If a registrant or registration applicant desires to establish or keep an employment agency using
150 more than 1 name, the registrant or registration applicant must apply for a registration for each
151 name under which the registrant or registration applicant intends to conduct said employment
152 agency. Each name and each location being advertised, operated or maintained by an
153 employment agency must be registered separately.

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155 Section 46F. Each registrant shall maintain a record-keeping system which contains the name
156 and contact information of each applicant, employee or worker and client with whom the agency
157 has a business relationship; any work orders or job orders; records of applicant fees and client
158 fees charged and received; receipts for any applicant fees received or charged; records of receipts
159 and income received by the employment agency from the operation of its business; records of
160 wages or other compensation paid to or made on behalf of applicants, employees or workers, by
161 the registrant and any deductions taken from wages or compensation, including but not limited to
162 any and all state and federal taxes, insurance premiums, or any fees charged; and any records
163 required to be kept pursuant to sections 46G and 46H. Said records and receipts shall be
164 maintained for a period of at least 3 years.

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166 Section 46G. Each employment agency shall furnish in writing to each applicant, employee or
167 worker, for each assignment or engagement:
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169 (a) a job order containing the following:
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- 171 (1) a multi-lingual notice provided by the division that the job order contains important
172 information concerning the employment, work, assignment, or engagement, and that
173 the applicant, employee or worker should have the form translated.
- 174 (2) the name of the employment agency and the address of the agency's principal
175 location;
- 176 (3) disclosure of the employment relationship between the agency and the applicant,
177 employee or worker;
- 178 (4) the name address and telephone number of the person for whom the applicant,
179 employee or worker is to apply or report to for such employment, work, assignment,
180 or engagement;
- 181 (5) the name of the worksite employer and the worksite address for the applicant's,
182 employee's or worker's assignment;
- 183 (6) the kind and character of the employment, including any requirement for special
184 attire, accessories, tools, safety or health equipment, training or licenses and any costs
185 charged to the applicant, employee or worker allowed by law;
- 186 (7) the safety or protective equipment, uniforms and other items provided by the
187 employer, including personal protective equipment that will be provided at no charge
188 by the employment agency or worksite employer;
- 189 (8) whether the employee will receive special training for the particular job tasks as
190 required by law;
- 191 (9) the rate of wages or compensation including any benefits to be paid for the work to be
192 performed by the worker;
- 193 (10) where known, the expected duration of the employment, work, assignment, or
194 engagement, including daily starting time, anticipated end time, and anticipated
195 overtime, if any;
- 196 (11) any meal(s) to be provided by the agency or the worksite employer and the cost of
197 such meal(s) as allowed by law, if any;
- 198 (12) the fee(s) to be exacted by the agency from the applicant, employee or worker, if
199 any;
- 200 (13) and details of the transportation required or offered to the applicant, employee or
201 worker by the agency or client or any person acting on behalf of the agency or client,
202 and the cost of such transportation as allowed by law, if any;

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204 provided that nothing in this paragraph shall be construed to prohibit an employment
205 agency from directing an applicant, employee, or worker to employment, work,
206 assignment or engagement by telephone, but such telephone message shall comply with
207 the disclosure requirements of this paragraph and shall be confirmed in writing by the
208 employment agency and sent to the applicant, employee or worker within 72 hours of the
209 start of the employment, work, assignment, or engagement; a copy of such confirmation
210 shall be kept by the employment agency for a period of at least 3 years;
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- 212 (b) the name, address and telephone number of the division;
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214 (c) a statement of the worker's right to workers' compensation benefits and the employer's
215 workers' compensation carrier name and number;
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217 (d) a copy of every contract executed between the employment agency and an applicant,
218 employee or worker;
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220 (e) a receipt for every applicant fee charged or accepted by the employment agency and which
221 the applicant, employee or worker has paid.
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223 The original or duplicate copy of each contract, receipt for applicant fees and record that
224 the information as prescribed in this section was provided shall be retained by the employment
225 agency for at least 3 years following the date on which the contract is executed, the payment is
226 made, or the information is furnished, whichever is later, and shall be made available for
227 inspection by the commissioner or the commissioner's duly authorized agent or inspector, upon
228 his request. The commissioner may, at the commissioner's discretion, provide a sample notice
229 that shall meet the notification requirements of this section.
230

231 Section 46H. (a) No employment agency shall bring into the commonwealth from outside the
232 commonwealth any applicant, employee or worker unless the agency has first given the
233 applicant, employee or worker a written statement containing all of the information contained
234 within section 46G. A copy of such statement shall be retained by the employment agency for 3
235 years from the date of issuance.
236

237 (b) Each employment agency which directly or indirectly engages or uses the services of an
238 emigrant agent, shall maintain records containing the name and contact information of all
239 emigrant agents from whom it accepts job applicants, employees or workers. If such emigrant
240 agents are required to be licensed in the places in which they recruit applicants, employees or
241 workers, no employment agency shall accept applicants, employees or workers from other than
242 duly licensed emigrant agents.
243

244 (c) Each employment agency which is responsible for providing transportation to an applicant,
245 employee or worker shall do so in accordance with section 159C of chapter 149.
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247 (d) Each employment agency which has transported into the commonwealth an applicant,
248 employee or worker from outside the commonwealth shall provide at its own expense suitable
249 lodging and meals for any applicant, employee or worker who is not placed in employment,
250 work, assignment or engagement on the day the applicant, employee or worker arrives at the
251 location of the employment agency or at the location of the employment, work, assignment or
252 engagement to which the applicant, employee or worker was placed, assigned or referred, from
253 the time the applicant, employee or worker reports at such location until the applicant, employee
254 or worker is placed, or is returned to the place from which the applicant, employee or worker
255 was recruited, or is given the option of returning to such place as hereinafter provided.
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257 (e) Each employment agency which has transported into the commonwealth an applicant,
258 employee or worker from outside the commonwealth shall provide reasonable allowance for 1
259 day's meals and the return fare or actual transportation to any such applicant, employee or
260 worker who was not placed in employment, work, assignment or engagement, or whose
261 employment, work, assignment or engagement terminated within 30 days thereafter, and who is
262 without employment, work, assignment or engagement and desires to return to the place from
263 which the applicant, employee or worker was recruited.

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265 (f) The provisions of sections 46H(d) and 46H(e) shall not apply to any activities of an
266 employment agency where an applicant, employee or worker is recruited, applying for or seeking
267 information about any employment, work, assignment or engagement with an annualized base
268 wage equivalent to 2.5 times the state or federal minimum wage, whichever is higher.

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271 Section 46I. In addition to the other requirements of this chapter, an employment agency shall
272 not engage in any of the following activities or conduct:

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274 (a) Issue, distribute, circulate or provide or cause to be issued, circulated, distributed
275 or provided, any false, fraudulent or misleading information, representation, promise, notice or
276 advertisement to any applicant, employee or worker.

277
278 (b) Use any name that has not been registered with the division in the advertisement
279 of its services.

280
281 (c) Assign, place or refer or cause to be assigned, placed or referred an applicant,
282 employee or worker to a client without a bona fide work order.

283
284 (d) Assign, place or refer or cause to be assigned, placed or referred, any applicant,
285 employee or worker to any employment, work, assignment or engagement where the
286 employment agency knows, or reasonably should know, that the prospective employment, work,
287 assignment or engagement is or would be in violation of state or federal laws governing
288 minimum wages, child labor, compulsory school attendance or required licensure or certification.

289
290 (e) Assign, place or refer or cause to be assigned, placed or referred an applicant,
291 employee or worker to any place in which the employment agency knows or reasonably should
292 know is maintained for illegal purposes.

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294 (f) Assign, place or refer or cause to be assigned, placed or referred any applicant,
295 employee or worker to any employment, work, assignment or engagement by force.

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297 (g) Require any applicant, employee or worker to purchase any good or service
298 offered by an employment agency or by any third party which will inure to the financial benefit
299 of the employment agency.

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301 (h) Refuse to return on demand of any applicant, employee or worker, any personal
302 property belonging to such person.

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(i) Assign, place or refer or cause to be assigned, placed or referred any applicant, employee or worker to any place which the employment agency knows or reasonably should have known is on strike, without notifying the applicant, employee or worker of this fact in the job order.

(j) Divide or share, or offer to divide or share applicant fees with employment agency clients.

(k) Discharge, or cause to be discharged, reduce the compensation of, or otherwise discriminate or retaliate against any applicant, employee or worker for making a complaint for a violation of this chapter, participating in any of its proceedings under this chapter, using any civil remedies to enforce the applicant's, employee's or worker's rights, or otherwise asserting the applicant's, employee's or worker's rights under this chapter or chapter 149.

Section 46J. (a) An employment agency shall not charge or accept an applicant fee or other consideration for any good or service unless in accordance with the terms of a written contract with an applicant, employee or worker.

(b) No applicant fee shall be charged or accepted for the registration of applicants, employees or workers for employment, work, assignment or engagement.

(c) An applicant fee for the procurement of employment, work, assignment or engagement shall only be charged or accepted if the placement, referral or assignment by the employment agency resulted in employment, work, assignment or engagement for the applicant, employee or worker from which the applicant, employee or worker receives wages or other consideration. Said applicant fee for the procurement of employment, work, assignment or engagement shall not exceed the following:

(1) Where the applicant is an employee of the employment agency and is paid by and placed or assigned by the employment agency for employment, work, assignment or engagement, the annual applicant fee shall not exceed 10 percent of the total gross wages or salary received within the first 4 weeks of employment, work, assignment or engagement based upon the wage at which the applicant was hired; provided, however, that if the applicant fee would bring the applicant's wages below minimum wage in any of the first 4 weeks, the employment agency shall reduce the fee so that no applicant earns less than the applicable minimum wage rate.

(2) For independent contractors under section 148B of chapter 149, the maximum applicant fee shall not exceed 10 percent of the gross wages received by the independent contractor for any engagement arranged by the employment agency.

(3) For models, the maximum applicant fee shall not exceed 10 percent of the gross wages received by the model for any engagement arranged by the employment agency.

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(4) Where the applicant is placed or referred to a client for employment or work by an employment agency and is hired as an employee of the client and is not an employee of the employment agency, except any applicant who is hired with an annualized base wage equivalent to a minimum of 2.5 times the state or federal minimum wage, whichever is higher, the following shall be the maximum applicant fee to be charged or accepted in percentage of the first 4 weeks' gross salary or wages received based upon the wage at which the applicant was hired:

- (i) If no meals or lodging are provided 10%
- (ii) If 1 meal per working day is provided 12%
- (iii) If 2 meals per working day are provided 14%
- (iv) If 3 meals and lodging per working day are provided 18%

(5) Where the applicant is placed or referred to a client for employment or work by an employment agency and is hired as an employee of the client and is not an employee of the employment agency, and where the applicant will be paid on a straight commission basis or on the basis of a drawing account or base wage plus commissions, the total applicant fee shall be calculated on the percentages in section 46J(C)(4) and applied to an amount equivalent to one-twelfth of the computed annual earnings as estimated by the employer client.

(d) An employment agency shall not require the payment, charge or acceptance of any applicant fee for any good or service other than an applicant fee for the procurement of employment, work, assignment or engagement. Any applicant fee charged or accepted shall be in accordance with the terms of a written contract and said contract shall clearly state that the purchase of said good or service is voluntary on the part of the applicant, employee or worker.

(e) An employment agency, or any person acting in its interest, shall not charge or accept any applicant fee for transportation that violates the provisions of section 159C of chapter 149.

(f) An employment agency shall not charge any applicant fee for any bank card, debit card, payroll card, voucher, draft, money order or similar form of payment of wages by the employment agency, for applicants, employees or workers who are compensated for their employment, work assignment or engagement by an employment agency, that exceeds the actual cost to the employment agency for providing such service to the applicant, employee or worker; provided, however, that no fee may be charged if it would cause the applicant, employee or worker to earn less than the applicable minimum wage.

(g) An employment agency shall not charge any applicant fee for any criminal offender record information (CORI) check or drug screen that exceeds the actual cost per applicant, employee or worker to the employment agency for providing such service.

(h) Any employment agency that knowingly refers or assigns any applicant, employee or worker to any employment, work, assignment or engagement where it is found that no employment, work, assignment or engagement existed, shall fully refund any applicant fee, along

395 with the costs of transportation in going to and returning from such location. An employment
396 agency shall not be responsible to an applicant, employee or worker for any expense incurred by
397 an applicant, employee or worker in connection with an interview unless the employment agency
398 has failed to inform the applicant, employee or worker that the purpose of the referral or
399 assignment is for an interview and will not necessarily result in employment, work, assignment
400 or engagement.

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402 (i) Any applicant fee that is charged or accepted in excess of the amounts allowable
403 under this section shall be refunded to such applicant, employee or worker on demand.
404

405 Section 46K. Each employment agency shall post in a conspicuous place in each agency
406 location, or distribute to each applicant, employee or worker who is placed, assigned, or referred
407 to an employment, work, assignment or engagement, a copy of sections 46G, 46H, 46I and 46J
408 of this chapter, in languages in which persons commonly doing business with such employment
409 agency location can understand. Such poster shall contain the name, address and telephone
410 number of the commissioner charged with the enforcement of said sections. The commissioner
411 may, at the commissioner's discretion, provide a sample notice that shall meet the notification
412 requirements of this section.

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414 Section 46L. (a) The commissioner, or any duly authorized agent or inspector designated by the
415 commissioner, shall have authority to inspect and make a record of the premises, records,
416 contracts, receipts, job application forms, work orders, job orders, referral forms, reference
417 forms, reference reports, financial and other records of applicant, employee, worker and client
418 fees charged and refunds made of each employment agency which are essential to the operation
419 of such employment agency and of each applicant for an employment agency registration. The
420 premises of an employment agency shall include any place where the business of an employment
421 agency is conducted, including, but not limited to locations owned, leased or occupied by the
422 employment agency or where the records of such agency are stored. The commissioner, or any
423 duly authorized agent or inspector, shall not be denied reasonable access by an employment
424 agency or client for the purposes of interviewing applicants, employees or workers and others
425 who are placed, referred, employed, assigned or engaged by any employment agency or client
426 and shall have the authority to inspect the premises or work locations of a client and conduct
427 such other investigations that the commissioner deems necessary for the enforcement of this
428 chapter.

429
430 (b) Any complaint against any person operating as an employment agency shall be made
431 to the commissioner. The commissioner shall notify the person of the complaint no later than 5
432 business days from the receipt of the complaint at the division, by serving upon said person
433 either personally or by certified mail, at the person's place of residence, or by leaving with the
434 person in charge of the person's office, a concise statement of the contents of the complaint. The
435 commissioner shall investigate such complaint and may hold a hearing, take testimony, subpoena
436 witnesses, and direct the production before him or her of necessary records, books, papers,
437 receipts and other records. If such investigation reveals that a person, business or registered
438 employment agency is in violation of the provisions of sections 46B to 46L, inclusive, the
439 commissioner may exercise authority under section 46M.
440

441 (c) The commissioner may, subject to the provisions of chapter 30A, establish such rules
442 and regulations as he deems necessary to carry out the provisions of sections 46B to 46N,
443 inclusive.

444
445 Section 46M. Whoever violates any provision of sections 46B, 46C, 46E, 46F, 46G, 46H, 46I,
446 46J, 46K or 46L, shall be punished by a fine of not more than \$500, or by imprisonment in the
447 house of correction for not more than 1 year, or both. The commissioner may institute
448 proceedings based upon any such violation. Each violation of said sections shall constitute a
449 separate offense. Criminal prosecution for any such violation shall not preclude any person from
450 recovering money unlawfully collected, in a civil action. In addition to the penalties provided
451 for in this paragraph, the commissioner may issue a written warning or a civil citation for
452 violations of these sections. Subsections (c) to (i), inclusive, of section 6F½ of chapter 149 shall
453 apply to these citations. The commissioner may adopt regulations for the issuance of the written
454 warnings and citations and for the enforcement thereof.

455
456 Information secured pursuant to sections 46A to 46L shall be confidential and for the
457 exclusive use and information of the commissioner in the discharge of the duties hereunder.
458 Whoever, except with the authority of the commissioner or pursuant to rules or regulations, or as
459 otherwise required or authorized by law, shall disclose the same, shall be punished by a fine of
460 not more than \$100 or by imprisonment for not more than 6 months, or both; provided, that
461 nothing herein shall be construed to prevent the commissioner from conducting any investigation
462 or hearing as provided for in said sections, and provided further, that nothing herein shall prevent
463 the division from making available to the public, lists of registered employment agency names
464 and locations and information about penalties assessed in accordance with section 46M and
465 subsections (c) to (i), inclusive, of section 6F½ of chapter 149.