



130th MAINE LEGISLATURE

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Legislative Document

No. 573

H.P. 418

House of Representatives, February 24, 2021

An Act Concerning Records of the Employment of Law Enforcement Officers and Corrections Officers

Received by the Clerk of the House on February 22, 2021. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative COREY of Windham.
Cosponsored by Senator ROSEN of Hancock and
Representatives: BRYANT of Windham, COSTAIN of Plymouth, FAY of Raymond,
PICKETT of Dixfield, WARREN of Hallowell.

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

2 **Sec. 1. 25 MRSA §2805-B, sub-§4** is enacted to read:

3 **4. Application for employment with a law enforcement agency, correctional**
4 **facility or county or regional jail.** This subsection applies when a law enforcement officer
5 or corrections officer who is employed by a law enforcement agency, correctional facility
6 or county or regional jail, or who was employed by a law enforcement agency, correctional
7 facility or county or regional jail within 90 days prior to making an application for
8 employment, applies for employment as a law enforcement officer or corrections officer
9 with a different law enforcement agency, correctional facility or county or regional jail.

10 A. As used in this subsection, unless the context otherwise indicates, the following
11 terms have the following meanings.

12 (1) "Applicant" means the law enforcement officer or corrections officer who is
13 applying for employment at a hiring agency.

14 (2) "Employing agency" means the law enforcement agency, correctional facility
15 or county or regional jail that employs the applicant at the time that a request is
16 made pursuant to paragraph B or that employed the applicant within 90 days prior
17 to the applicant making an employment application to the hiring agency.

18 (3) "Hiring agency" means the law enforcement agency, correctional facility or
19 county or regional jail to which the applicant is applying for employment.

20 B. The applicant shall sign a request that an employing agency release all personnel
21 and employment records, internal investigation records and any other records
22 pertaining to the applicant's employment and the job performance of the applicant to a
23 hiring agency. For the purposes of the employment application, the request form must
24 include a waiver of any rights that the applicant has to the privacy of the personnel and
25 employment records, internal investigation records and any other records pertaining to
26 the applicant's employment and the job performance of the applicant. The request form
27 must be signed by the applicant and the signature must be witnessed. The board shall
28 adopt rules establishing a standard request and waiver form. Rules adopted pursuant
29 to this paragraph are routine technical rules as defined by Title 5, chapter 375,
30 subchapter 2-A.

31 C. An employing agency that receives a request pursuant to paragraph B shall promptly
32 release all personnel and employment records, internal investigation records and any
33 other records pertaining to the employment and job performance of the applicant to the
34 hiring agency.

35 D. An employing agency that responds to a request pursuant to paragraph B and
36 releases information pursuant to paragraph C is immune from civil or criminal liability
37 for releasing the requested information to a hiring agency.

38 E. A hiring agency that receives information pursuant to paragraph C from an
39 employing agency shall treat that information in the same manner as it treats personnel
40 and employment records of the employees of the hiring agency. A hiring agency is
41 immune from civil or criminal liability for receiving the requested information.

42 **Sec. 2. 25 MRSA §2805-B, sub-§5** is enacted to read:

