

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

—
H.P. 418 - L.D. 573

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

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

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

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

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

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

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

(3) "Employment records" means personnel, employment and any other records pertaining to an applicant's employment and job performance with the employing agency but does not include any internal investigative records of the employing agency relating to the applicant.

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

B. The applicant shall sign a request that an employing agency release all employment records to a hiring agency. For the purposes of the employment application, the request form must include a waiver of any rights that the applicant has to the privacy of the employment records. The request form must be signed by the applicant and the

signature must be witnessed. The board shall adopt rules establishing a standard request and waiver form. Rules adopted pursuant to this paragraph are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

C. An employing agency that receives a request pursuant to paragraph B shall promptly release all employment records to the hiring agency.

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

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

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

5. Release of the results of a polygraph examination. When a polygraph examination has been performed on a law enforcement officer or corrections officer and the results indicate probable cause to believe that the officer is or has been involved in criminal activity, the law enforcement agency, correctional facility or county or regional jail that conducted the examination or for whom the examination was performed shall release the results of the examination to the head of the law enforcement agency, correctional facility or county or regional jail that employs the law enforcement officer or corrections officer.