

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

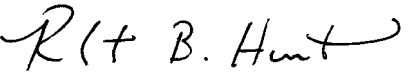
No. 1484

H.P. 975

House of Representatives, April 3, 2025

An Act Related to Public Access of Records of Certain Disciplinary Actions of Public Employees

Reference to the Committee on Judiciary suggested and ordered printed.


ROBERT B. HUNT
Clerk

Presented by Representative BISHOP of Bucksport.
Cosponsored by Senator HAGGAN of Penobscot and
Representatives: CHAPMAN of Auburn, HENDERSON of Rumford, SCHMERSAL-
BURGESS of Mexico, WHITE of Ellsworth, Senator: MARTIN of Oxford.

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

2 **Sec. 1. 5 MRSA §7070, sub-§2, ¶E**, as amended by PL 2023, c. 615, §2, is further
3 amended to read:

4 E. Except as provided in paragraph F and section 7070-A, complaints, charges or
5 accusations of misconduct, replies to those complaints, charges or accusations and any
6 other information or materials that may result in disciplinary action. If disciplinary
7 action is taken, and that disciplinary action is of a nature that imposes or results in a
8 financial disadvantage, including, but not limited to, termination, demotion or
9 suspension without pay, the final written decision relating to that action is no longer
10 confidential after the decision is completed if it imposes or upholds discipline. The
11 decision must state the conduct or other facts on the basis of which disciplinary action
12 is being imposed and the conclusions of the acting authority as to the reasons for that
13 action. If an arbitrator completely overturns or removes disciplinary action from an
14 employee personnel file, the final written decision is public except that the employee's
15 name must be deleted from the final written decision and kept confidential. If the
16 employee whose name was deleted from the final written decision discloses that the
17 employee is the person who is the subject of the final written decision, the entire final
18 written report, with regard to that employee, is public.

19 For purposes of this paragraph, "final written decision" means:

20 (1) The final written administrative decision that is not appealed pursuant to a
21 grievance arbitration procedure; or

22 (2) If the final written administrative decision is appealed to arbitration, the final
23 written decision of a neutral arbitrator.

24 A final written administrative decision that is appealed to arbitration is no longer
25 confidential 120 days after a written request for the decision is made to the employer
26 if the final written decision of the neutral arbitrator is not issued and released before
27 the expiration of the 120 days; and

28 **Sec. 2. 30-A MRSA §503, sub-§1, ¶B**, as amended by PL 2023, c. 159, §2, is
29 further amended by amending subparagraph (5) to read:

30 (5) Complaints, charges or accusations of misconduct, replies to those complaints,
31 charges or accusations and any other information or materials that may result in
32 disciplinary action. If disciplinary action is taken, and that disciplinary action is
33 of a nature that imposes or results in a financial disadvantage, including, but not
34 limited to, termination, demotion or suspension without pay, the final written
35 decision relating to that action is no longer confidential after the decision is
36 completed if it imposes or upholds discipline. The decision must state the conduct
37 or other facts on the basis of which disciplinary action is being imposed and the
38 conclusions of the acting authority as to the reasons for that action. If an arbitrator
39 completely overturns or removes disciplinary action from an employee personnel
40 file, the final written decision is public except that the employee's name must be
41 deleted from the final written decision and kept confidential. If the employee
42 whose name was deleted from the final written decision discloses that the
43 employee is the person who is the subject of the final written decision, the entire
44 final written report, with regard to that employee, is public.

1 For purposes of this subparagraph, "final written decision" means:

2 (a) The final written administrative decision that is not appealed pursuant to a
3 grievance arbitration procedure; or

4 (b) If the final written administrative decision is appealed to arbitration, the
5 final written decision of a neutral arbitrator.

6 A final written administrative decision that is appealed to arbitration is no longer
7 confidential 120 days after a written request for the decision is made to the
8 employer if the final written decision of the neutral arbitrator is not issued and
9 released before the expiration of the 120 days; and

10 **Sec. 3. 30-A MRSA §2702, sub-§1, ¶B**, as amended by PL 2019, c. 451, §3, is
11 further amended by amending subparagraph (5) to read:

12 (5) Complaints, charges or accusations of misconduct, replies to those complaints,
13 charges or accusations and any other information or materials that may result in
14 disciplinary action. If disciplinary action is taken, and that disciplinary action is
15 of a nature that imposes or results in a financial disadvantage, including, but not
16 limited to, termination, demotion or suspension without pay, the final written
17 decision relating to that action is no longer confidential after the decision is
18 completed if it imposes or upholds discipline. The decision must state the conduct
19 or other facts on the basis of which disciplinary action is being imposed and the
20 conclusions of the acting authority as to the reasons for that action. If an arbitrator
21 completely overturns or removes disciplinary action from an employee personnel
22 file, the final written decision is public except that the employee's name must be
23 deleted from the final written decision and kept confidential. If the employee
24 whose name was deleted from the final written decision discloses that the
25 employee is the person who is the subject of the final written decision, the entire
26 final written report, with regard to that employee, is public.

27 For purposes of this subparagraph, "final written decision" means:

28 (a) The final written administrative decision that is not appealed pursuant to a
29 grievance arbitration procedure; or

30 (b) If the final written administrative decision is appealed to arbitration, the
31 final written decision of a neutral arbitrator.

32 A final written administrative decision that is appealed to arbitration is no longer
33 confidential 120 days after a written request for the decision is made to the
34 employer if the final written decision of the neutral arbitrator is not issued and
35 released before the expiration of the 120 days; and

36 SUMMARY

37 This bill modifies provisions of law related to the confidentiality of certain employee
38 records. Under current law, if disciplinary action is taken against a state, county or
39 municipal employee, the final written decision associated with the disciplinary action is not
40 confidential. Under the bill, only disciplinary actions that are of a nature that impose or
41 result in a financial disadvantage, including, but not limited to, termination, demotion or
42 suspension without pay, may become public.