

MAINE STATE LEGISLATURE

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L.D. 1328

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STATE OF MAINE
SENATE
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 486, L.D. 1328, Bill, "An Act Providing Confidentiality for Public Sector Job Applicants"

Amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting in its place the following:

'Sec. 1. 5 MRSA §7070, sub-§1, as enacted by PL 1985, c. 785, Pt. B, §38, is repealed and the following enacted in its place:

1. Papers relating to applications, examinations or evaluations of applicants. Except as provided in this subsection, applications, resumes, letters and notes of reference, working papers, research materials, records, examinations and any other documents or records and the information they contain, solicited or prepared either by the applicant or the State for use in the examination or evaluation of applicants for positions as state employees.

A. Notwithstanding any confidentiality provision other than this subsection, applications, resumes and letters and notes of reference, other than those letters and notes of reference expressly submitted in confidence pertaining to the applicant hired, are public records after the applicant is hired.

B. Telephone numbers are not public records if they are designated as "unlisted" or "unpublished" in an application, resume or letter of reference.

C. This subsection does not preclude union representatives from access to personnel records, consistent with subsection 4, which may be necessary for the bargaining agent to carry out its collective bargaining responsibilities. Any records

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1 available to union representatives which are otherwise
 2 covered by this subsection shall remain confidential and are
 3 not open to public inspection;

5 Sec. 2. 30-A MRSA §503, sub-§1, ¶A, as enacted by PL 1987, c.
 6 737, Pt. A, §2 and Pt. C, §106; and as amended by PL 1989, c. 6;
 7 c. 9, §2; and c. 104, Pt. C, §§8 and 10, is repealed and the
 8 following enacted in its place:

9 A. Except as provided in this paragraph, applications,
 11 resumes, letters and notes of reference, working papers,
 12 research materials, records, examinations and any other
 13 documents or records and the information they contain,
 14 solicited or prepared either by the applicant or the county
 15 for use in the examination or evaluation of applicants for
 16 positions as county employees.

17 (1) Notwithstanding any confidentiality provision
 18 other than this paragraph, applications, resumes and
 19 letters of reference, other than those letters of
 20 reference expressly submitted in confidence pertaining
 21 to the applicant hired, are public records after the
 22 applicant is hired.

23 (2) Telephone numbers are not public records if they
 24 are designated as "unlisted" or "unpublished" in an
 25 application, resume or letter of reference.

26 (3) This paragraph does not preclude union
 27 representatives from access to personnel records which
 28 may be necessary for the bargaining agent to carry out
 29 its collective bargaining responsibilities. Any
 30 records available to union representatives which are
 31 otherwise covered by this subsection shall remain
 32 confidential and are not open to public inspection;

33 Sec. 3. 30-A MRSA §2702, sub-§1, ¶A, as enacted by PL 1987, c.
 34 737, Pt. A, §2 and Pt. C, §106; and as amended by PL 1989, c. 6;
 35 c. 9, §2; and c. 104, Pt. C, §§8 and 10, is repealed and the
 36 following enacted in its place:

37 A. Except as provided in this paragraph, applications,
 38 resumes, letters and notes of reference, working papers,
 39 research materials, records, examinations and any other
 40 documents or records and the information they contain,
 41 solicited or prepared either by the applicant or the
 42 municipality for use in the examination or evaluation of
 43 applicants for positions as municipal employees.

44 (1) Notwithstanding any confidentiality provision
 45 other than this paragraph, applications, resumes and
 46 letters and notes of reference, other than those

