MAINE STATE LEGISLATURE

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1	L.D. 1328
3	(Filing No. S-232)
5	
7	STATE OF MAINE SENATE
9	114TH LEGISLATURE FIRST REGULAR SESSION
11	
13	COMMITTEE AMENDMENT "A" to S.P. 486, L.D. 1328, Bill, "An Act Providing Confidentiality for Public Sector Job Applicants"
15	Amend the bill by striking out everything after the enacting
17	clause and before the emergency clause and inserting in its place the following:
19	'Sec. 1. 5 MRSA §7070, sub-§1, as enacted by PL 1985, c. 785,
21	Pt. B, §38, is repealed and the following enacted in its place:
23	1. Papers relating to applications, examinations or
25	<u>evaluations</u> of <u>applicants</u> . Except as provided in this subsection, applications, resumes, letters and notes of
27	reference, working papers, research materials, records, examinations and any other documents or records and the
29	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.
31	
33	A. Notwithstanding any confidentiality provision other than this subsection, applications, resumes and letters and notes of reference, other than those letters and notes of
35	reference expressly submitted in confidence pertaining to the applicant hired, are public records after the applicant
37	is hired.
39	B. Telephone numbers are not public records if they are
41	designated as "unlisted" or "unpublished" in an application, resume or letter of reference.
43	C. This subsection does not preclude union representatives
45	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 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.
7	737, Pt. A, $\S 2$ and Pt. C, $\S 106$; and as amended by PL 1989, c. 6; c. 9, $\S 2$; and c. 104, Pt. C, $\S \S 8$ and 10, is repealed and the
9	following enacted in its place:
9	A Property of provided in this provided to the
11	A. Except as provided in this paragraph, applications, resumes, letters and notes of reference, working papers,
L3	research materials, records, examinations and any other
L3	documents or records and the information they contain,
15	solicited or prepared either by the applicant or the county
LJ	for use in the examination or evaluation of applicants for positions as county employees.
L7	postcions as councy employees.
. ,	(1) Notwithstanding any confidentiality provision
19	other than this paragraph, applications, resumes and
	letters of reference, other than those letters of
21	reference expressly submitted in confidence pertaining
	to the applicant hired, are public records after the
23	applicant is hired.
25	(2) Telephone numbers are not public records if they
	are designated as "unlisted" or "unpublished" in an
27	application, resume or letter of reference.
29	(3) This paragraph does not preclude union
	representatives from access to personnel records which
31	may be necessary for the bargaining agent to carry out
	its collective bargaining responsibilities. Any
3	records available to union representatives which are
	otherwise covered by this subsection shall remain
35	confidential and are not open to public inspection;
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37	Sec. 3. 30-A MRSA §2702, sub-§1, ¶A, as enacted by PL 1987, c.
	737, Pt. A, §2 and Pt. C, §106; and as amended by PL 1989, c. 6;
9	c. 9, $\S 2$; and c. 104, Pt. C, $\S \S 8$ and 10, is repealed and the
	following enacted in its place:
1	
_	A. Except as provided in this paragraph, applications,
3	resumes, letters and notes of reference, working papers,
	research materials, records, examinations and any other
15	documents or records and the information they contain,
_	solicited or prepared either by the applicant or the
7	municipality for use in the examination or evaluation of
	applicants for positions as municipal employees.
9	
	(1) Notwithstanding any confidentiality provision
1	other than this paragraph, applications, resumes and
	letters and notes of reference, other than those

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1	letters and notes of reference expressly submitted in confidence pertaining to the applicant hired, are
3	public records after the applicant is hired.
5	(2) Telephone numbers are not public records if they are designated as "unlisted" or "unpublished" in an
7	application, resume or letter of reference.
9	(3) This paragraph does not preclude union representatives from access to personnel records which
11	may be necessary for the bargaining agent to carry out its collective bargaining responsibilities. Any
13	records available to union representatives which are otherwise covered by this subsection shall remain
15	confidential and are not open to public inspection;
17	STATEMENT OF FACT
19	
21	This amendment replaces the bill and represents the majority report of the judiciary committee.
23	This amendment retains the confidential classification proposed by the bill of applications, resumes and all other
25	material collected or prepared in the search for a person to fill a position as a state, county or municipal employee. Once the
27	person is hired, however, that person's application, resume and letters of reference are public records. Any letters of
29	reference expressly submitted in confidence do not become public records. In addition, telephone numbers are not to be released
31	as public records if they are designated as "unlisted" or "unpublished".
33	In response to the decision in <u>Bangor Daily News v. City of</u>
35	Bangor, this amendment also clarifies that the information contained in the confidential documents is not public
37	information. Specifically, names and addresses are not available to the public.
39	
-	This amendment also provides that personnel records
41	otherwise not open under these provisions are available to union representatives to the extent necessary to carry out collective
43	bargaining duties. The union representative cannot release the

Reported by the Majority for the Committee on Judiciary. Reproduced and Distributed Pursuant to Senate Rule 12. (6/7/89) (Filing No. S-232)

records to the public.