

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Corrected Copy

1
3
5
7
9
11
13
15
17
19
21
23
25
27
29
31
33
35
37
39
41
43
45
47

L.D. 1328
(Filing No. S- 233)

STATE OF MAINE
SENATE
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "B" 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 B, §38, is repealed and the following enacted in its place: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 and resumes for applicants who are interviewed by the hiring authority or its designees are public records.

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

Sec. 2. 30-A MRSA §503, 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; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is repealed and the following enacted in its place:

COMMITTEE AMENDMENT " B " to S.P. 486, L.D. 1328

1
3
5
7
9
11
13
15
17
19
21
23
25
27
29
31
33
35
37
39
41
43
45
47
49
51
53

A. Except as provided in this paragraph, 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 county for use in the examination or evaluation of applicants for positions as county employees.

(1) Notwithstanding any confidentiality provision other than this paragraph, applications and resumes for applicants who are interviewed by the hiring authority or its designees are public records.

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

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; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is repealed and the following enacted in its place:

A. Except as provided in this paragraph, 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 municipality for use in the examination or evaluation of applicants for positions as municipal employees.

(1) Notwithstanding any confidentiality provision other than this paragraph, applications and resumes for applicants who are interviewed by the hiring authority or its designees are public records.

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

STATEMENT OF FACT

This amendment replaces the bill and represents the minority report of the judiciary committee.

COMMITTEE AMENDMENT " B" to S.P. 486, L.D. 1328

1

This amendment retains the confidential classification proposed by the bill of applications, resumes and all other material collected or prepared in the search for a person to fill a position as a state, county or municipal employee. Once applicants are interviewed, however, those applications and resumes are public records.

3

5

7

9

In response to the decision in Bangor Daily News v. City of Bangor, this amendment also clarifies that the information contained in the confidential documents is not public information. Specifically, names and addresses are not available to the public.

11

13

15

This amendment also provides that personnel records otherwise not open under these provisions are available to union representatives to the extent necessary to carry out collective bargaining duties. The union representative cannot release the records to the public.

17

19

Reported by the Minority for the Committee on Judiciary.
Reproduced and Distributed Pursuant to Senate Rule 12.
(6/7/89) (Filing No. S-233)