

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2006

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Legislative Document

No. 1859

H.P. 1299

House of Representatives, January 3, 2006

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### **An Act To Inform and Protect the Public Regarding State Employees with Certain Criminal Records**

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 28, 2005. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative SMITH of Monmouth.  
Cosponsored by Senator MAYO of Sagadahoc and  
Representatives: BARSTOW of Gorham, PERCY of Phippsburg, RECTOR of Thomaston,  
Senators: DAMON of Hancock, SCHNEIDER of Penobscot.

2  
3 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 5 MRSA §19-C** is enacted to read:

5 **§19-C. State employees with criminal records**

6  
7 **1. Notice.** An agency, department, board or commission that  
8 employs a person who has been convicted of a serious crime or is  
9 required to register under the Sex Offender Registration and  
10 Notification Act of 1999 and who, as part of that person's  
11 duties, has direct contact with a member of the public in that  
12 member's home or place of business shall notify that member of  
13 the public of:

14 A. The crime of which the person was convicted and the date  
15 of conviction; and

16  
17 B. The ability of a member of the public to request a  
18 different person with whom to conduct business.

19  
20 For purposes of this subsection, "serious crime" means murder or  
21 a Class A, Class B or Class C crime or a crime committed in  
22 another jurisdiction that, if committed in this State, would be  
23 murder or a Class A, Class B or Class C crime.

24  
25 **2. Rules.** The Department of Administrative and Financial  
26 Services shall adopt rules to implement the provisions of this  
27 section, including determining the method of communicating the  
28 information required by subsection 1. Rules adopted pursuant to  
29 this subsection are major substantive rules as defined in chapter  
30 375, subchapter 2-A.

31  
32 **Sec. 2. Report.** The Department of Administrative and  
33 Financial Services shall conduct a study and report on:

34  
35 1. The number of state employees who would be subject to  
36 the reporting requirements of the Maine Revised Statutes, Title  
37 5, section 19-C, subsection 1;

38  
39 2. The type of public exposure that these state employees  
40 have and the extent of the access they have to confidential  
41 information belonging to members of the public; and

42  
43 3. Recommendations for limiting public exposure to these  
44 state employees and restricting the access of these state  
45 employees to confidential information belonging to members of the  
46 public.

47  
48 The department shall submit its report and recommendations,  
49 including any necessary implementing legislation, to the joint  
50

2 standing committee of the 123rd Legislature having jurisdiction  
over state and local government matters no later than January 5,  
4 2007. The committee may report out a bill implementing the  
recommendations of the department.

6

### 8 SUMMARY

10 This bill requires an agency, department, board or  
commission of State Government that employs a person who has been  
12 convicted of a serious crime or who is required to register as a  
sex offender and who, as part of that person's duties, has direct  
14 contact with a member of the public in the home or business of  
that member of the public to inform that member of the public of  
the date and crime for which the person was convicted and to  
16 provide the member of the public with the option of requesting a  
different person with whom to conduct business.

18

20 This bill also requires the Department of Administrative and  
Financial Services to study and report to the 123rd Legislature  
regarding the number of state employees who have been convicted  
22 of a serious crime, the level of public exposure those employees  
have and the extent of the access those employees have to  
24 confidential information of members of the public.