

MAINE STATE LEGISLATURE

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DMK
R. of S.

Date: 5/10/17 Minority

STATE AND LOCAL GOVERNMENT

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 762, L.D. 1084, Bill, "An Act To Require That Certain Applicant Information for Certain Local Government and School Administrative Positions Be Public upon Application"

Amend the bill by striking out the title and substituting the following:

'An Act Regarding Public Disclosure of Certain Applicant Information for Certain Local Government and School Administrative Positions'

Amend the bill by striking out everything after section 1 and inserting the following:

'Sec. 2. 20-A MRSA §6101, sub-§2, ¶D is enacted to read:

D. For an applicant for employment as superintendent, a school administrative unit may require public disclosure of the applicant's name and address at a specified point in the application process as a condition of eligibility for the position.

Sec. 3. 30-A MRSA §503, sub-§1, ¶A, as repealed and replaced by PL 1989, c. 402, §2, is amended to read:

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, 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.

(2) Telephone numbers are not public records if they are designated as "unlisted" or "unpublished" in an application, resume or letter or note of reference.

(3) This paragraph does not preclude union representatives from access to personnel records ~~which~~ that may be necessary for the bargaining agent to carry

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1 out its collective bargaining responsibilities. Any records available to union
2 representatives ~~which that~~ are otherwise covered by this subsection ~~shall~~ remain
3 confidential and are not open to public inspection;

4 (4) For an applicant for employment as county administrator, a county may
5 require public disclosure of the applicant's name and address at a specified point
6 in the application process as a condition of eligibility for the position;

7 **Sec. 4. 30-A MRSA §2702, sub-§1, ¶A,** as repealed and replaced by PL 1989, c.
8 402, §3, is amended to read:

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

14 (1) Notwithstanding any confidentiality provision other than this paragraph,
15 applications, resumes and letters and notes of reference, other than those letters
16 and notes of reference expressly submitted in confidence, pertaining to the
17 applicant hired are public records after the applicant is hired.

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

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

25 (4) For an applicant for employment as city manager or town manager, a
26 municipality may require public disclosure of the applicant's name and address at
27 a specified point in the application process as a condition of eligibility for the
28 position;

29 **SUMMARY**

30 This amendment is the minority report of the committee. The amendment provides
31 that for an applicant for the position of county administrator, city manager, town manager
32 or school superintendent, the hiring authority may require public disclosure of the
33 applicant's name and address at a specified point in the application process as a condition
34 of eligibility for the position.