

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1084

H.P. 762

House of Representatives, March 21, 2017

**An Act To Require That Certain Applicant Information for Certain
Local Government and School Administrative Positions Be Public
upon Application**

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative SPEAR of South Thomaston.
Cosponsored by Senator DESCHAMBAULT of York and
Representatives: BEEBE-CENTER of Rockland, ORDWAY of Standish.

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

2 **Sec. 1. 20-A MRSA §6101, sub-§2, ¶B**, as amended by PL 1995, c. 547, §4, is
3 further amended to read:

4 B. Except as provided in ~~paragraph~~ paragraphs A and D, information in any form
5 relating to an employee or applicant for employment, or to the employee's immediate
6 family, must be kept confidential if it relates to the following:

- 7 (1) All information, working papers and examinations used in the examination or
8 evaluation of all applicants for employment;
- 9 (2) Medical information of any kind, including information pertaining to
10 diagnosis or treatment of mental or emotional disorders;
- 11 (3) Performance evaluations, personal references and other reports and
12 evaluations reflecting on the quality or adequacy of the employee's work or
13 general character compiled and maintained for employment purposes;
- 14 (4) Credit information;
- 15 (5) Except as provided by subsection 1, the personal history, general character or
16 conduct of the employee or any member of the employee's immediate family;
- 17 (6) Complaints, charges of misconduct, replies to complaints and charges of
18 misconduct and memoranda and other materials pertaining to disciplinary action;
- 19 (7) Social security number;
- 20 (8) The teacher action plan and support system documents and reports
21 maintained for certification purposes; and
- 22 (9) Criminal history record information obtained pursuant to section 6103.

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

24 D. The name and address of an applicant for a position as superintendent are public
25 records upon application by the applicant.

26 **Sec. 3. 30-A MRSA §503, sub-§1, ¶A**, as repealed and replaced by PL 1989, c.
27 402, §2, is amended to read:

28 A. Except as provided in this paragraph, applications, resumes, letters and notes of
29 reference, working papers, research materials, records, examinations and any other
30 documents or records and the information they contain, solicited or prepared either by
31 the applicant or the county for use in the examination or evaluation of applicants for
32 positions as county employees.

- 33 (1) Notwithstanding any confidentiality provision other than this paragraph,
34 applications, resumes and letters and notes of reference, other than those letters
35 and notes of reference expressly submitted in confidence, pertaining to the
36 applicant hired are public records after the applicant is hired.
- 37 (2) Telephone numbers are not public records if they are designated as "unlisted"
38 or "unpublished" in an application, resume or letter or note of reference.

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

6 (4) The name and address of an applicant for a position as county administrator
7 are public records upon application by the applicant.

8 **Sec. 4. 30-A MRSA §2702, sub-§1, ¶A**, as repealed and replaced by PL 1989, c.
9 402, §3, is amended to read:

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

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

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

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

26 (4) The name and address of an applicant for a position as city manager or town
27 manager are public records upon application by the applicant.

28 SUMMARY

29 This bill provides that the names and addresses of applicants for positions as county
30 administrator, city manager, town manager and school superintendent are public records
31 upon application by the applicant.