

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 170

H.P. 133

House of Representatives, January 17, 2019

An Act To Prohibit Questions Regarding Criminal History on Certain State Employment Applications

Reference to the Committee on State and Local Government suggested and ordered printed.

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

ROBERT B. HUNT
Clerk

Presented by Representative SHEATS of Auburn.
Cosponsored by Senator BELLOWS of Kennebec and
Representatives: McCREIGHT of Harpswell, SYLVESTER of Portland, Senator: LIBBY of
Androscoggin.

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

2 **Sec. 1. 5 MRSA §792** is enacted to read:

3 **§792. Application forms for employment**

4 An application form for employment for a position in State Government may not
5 include any questions regarding an applicant's criminal history except when, due to the
6 nature and requirements of the position, a person who has a criminal history may be
7 disqualified from eligibility for the position. For purposes of this section, "position in
8 State Government" means a position in the legislative, executive or judicial branch of
9 State Government or a position with a quasi-independent state entity or public
10 instrumentality of the State. "Position in State Government" does not include a position in
11 a school administrative unit, municipality, county or other political subdivision of the
12 State.

13 **SUMMARY**

14 This bill prohibits the State from including questions about criminal history on its
15 employment application forms. The bill provides an exception to that prohibition when,
16 due to the nature and requirements of the position, a person who has a criminal history
17 may be disqualified from eligibility, such as for a law enforcement officer, corrections
18 officer, child protective or adult protective services caseworker or child development
19 services worker position. The bill applies to state employment positions in the
20 legislative, executive or judicial branch of State Government and positions with quasi-
21 independent state entities or public instrumentalities of the State; it does not apply to
22 positions in school administrative units, municipalities, counties or other political
23 subdivisions of the State.