

MAINE STATE LEGISLATURE

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LD 96

Date 4/28/23

(Filing No H-90)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ A ” to H P 64, L D 96, “An Act to Ensure Release of Relevant Background Investigation Material to Current Employers of Law Enforcement and Corrections Officers”

Amend the bill by striking out everything after the enacting clause and inserting the following

Sec. 1. 25 MRSA §2805-B, sub-§4, ¶B, as enacted by PL 2021, c 256, §1, is amended to read

B The applicant shall sign a request that an employing agency release all employment records to a hiring agency For the purposes of the employment application, the request form must include a waiver of any rights that the applicant has to the privacy of the employment records, including those rights related to the exchange of information resulting from a background investigation or polygraph examination under subsection 5 between the employing agency and the hiring agency The request form must be signed by the applicant and the signature must be witnessed The board shall adopt rules establishing a standard request and waiver form Rules adopted pursuant to this paragraph are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A

Sec. 2. 25 MRSA §2805-B, sub-§5, as enacted by PL 2021, c 256, §2, is amended to read

5. Release of the results of a background investigation or polygraph examination. When a background investigation or polygraph examination has been performed on a law enforcement officer or corrections officer and the results indicate probable cause to believe that the officer is or has been involved in criminal activity, the head of the law enforcement agency, correctional facility or county or regional jail that conducted the investigation or examination or for whom the investigation or examination was performed shall release the results of the investigation or examination to the head of the law enforcement agency, correctional facility or county or regional jail that employs the law enforcement officer or corrections officer

COMMITTEE AMENDMENT

1 The head of the law enforcement agency, correctional facility or county or regional jail that
 2 conducted the background investigation or polygraph examination of the law enforcement
 3 officer or corrections officer, or for whom the investigation or examination was performed,
 4 is immune from civil or criminal liability for releasing information gathered during the
 5 investigation or examination to the head of the law enforcement agency, correctional
 6 facility or county or regional jail that employs the law enforcement officer or corrections
 7 officer'

8 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
 9 number to read consecutively

10 **SUMMARY**

11 This amendment replaces the bill and clarifies that when a law enforcement officer or
 12 corrections officer who is employed by a law enforcement agency, correctional facility or
 13 county or regional jail, or who was employed within 90 days prior to making an application
 14 for employment, applies for a new position with a law enforcement agency, correctional
 15 facility or county or regional jail, that applicant is required to sign a release waiving the
 16 applicant's rights to privacy in the exchange of information resulting from a background
 17 investigation or polygraph examination conducted for the purposes of the employment
 18 application

19 The amendment also specifies that the head of the law enforcement agency,
 20 correctional facility or county or regional jail that conducted the background investigation
 21 or polygraph examination, or for whom the investigation or examination was conducted, is
 22 immune from civil or criminal liability for sharing the information gathered from the
 23 investigation or examination with the head of the law enforcement agency, correctional
 24 facility or county or regional jail that employs the law enforcement officer or corrections
 25 officer

26 **FISCAL NOTE REQUIRED**
 27 **(See attached)**



131st MAINE LEGISLATURE

LD 96

LR 115(02)

**An Act to Ensure Release of Relevant Background Investigation Material to Current Employers of
Law Enforcement and Corrections Officers**

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-90)

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Any additional costs to the Department of Public Safety associated with this legislation can be absorbed within existing budgeted resources