

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

FIRST REGULAR SESSION
December 2, 2020 to March 30, 2021

FIRST SPECIAL SESSION
April 28, 2021 to July 19, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
OCTOBER 18, 2021

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2021

(3) "Employment records" means personnel, employment and any other records pertaining to an applicant's employment and job performance with the employing agency but does not include any internal investigative records of the employing agency relating to the applicant.

(4) "Hiring agency" means the law enforcement agency, correctional facility or county or regional jail to which the applicant is applying for employment.

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. 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.

C. An employing agency that receives a request pursuant to paragraph B shall promptly release all employment records to the hiring agency.

D. An employing agency that responds to a request pursuant to paragraph B and releases information pursuant to paragraph C is immune from civil or criminal liability for releasing the requested information to a hiring agency.

E. A hiring agency that receives information pursuant to paragraph C from an employing agency shall treat that information in the same manner as it treats employment records of the employees of the hiring agency. A hiring agency is immune from civil or criminal liability for receiving the requested information.

Sec. 2. 25 MRSA §2805-B, sub-§5 is enacted to read:

5. Release of the results of a polygraph examination. When a 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 law enforcement agency, correctional facility or county or regional jail that conducted the examination or for whom the examination was performed shall release the results of the 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.

See title page for effective date.

**CHAPTER 257
H.P. 488 - L.D. 661**

**An Act To Ensure Equity in
Petitions for Rulemaking under
the Maine Administrative
Procedure Act**

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

Sec. 1. 5 MRSA §8055, sub-§4 is enacted to read:

4. Petition submitted by persons incarcerated in Department of Corrections facility. Notwithstanding subsections 2 and 3, the Department of Corrections shall initiate appropriate rule-making proceedings within 60 days after receipt of a petition to adopt or modify a rule submitted by 150 or more persons incarcerated in a department correctional facility under Title 34-A or by 25% or more of the total number of males or females incarcerated in a department correctional facility under Title 34-A, whichever is fewer. The department is not required to initiate appropriate rule-making proceedings pursuant to this subsection if a petition to adopt or modify the same rule was received within the previous 12 months. The department may take reasonable steps to ensure that each signature on a petition submitted pursuant to this subsection is the signature of the person it purports to be and that the person was incarcerated in a department correctional facility under Title 34-A at the time of signing.

Sec. 2. 5 MRSA §8055, sub-§5 is enacted to read:

5. Petition submitted by persons incarcerated in county or municipal detention facility. Notwithstanding subsections 2 and 3, the Department of Corrections shall initiate appropriate rule-making proceedings with respect to standards adopted pursuant to Title 34-A, section 1208 or 1208-B within 60 days after receipt of a petition to adopt or modify a rule submitted by 150 or more persons incarcerated in a county or municipal detention facility or by 25% or more of the total number of males or females incarcerated in a county or municipal detention facility, whichever is fewer. The department is not required to initiate appropriate rule-making proceedings pursuant to this subsection if a petition to adopt or modify the same rule was received within the previous 12 months. The department may take reasonable steps to ensure that each signature on a petition submitted pursuant to this subsection is the signature of the person it purports to be and that the person was incarcerated in the facility at the time of signing.

See title page for effective date.
