

**Subcommittee of the  
RIGHT TO KNOW ADVISORY COMMITTEE  
Public Employee Disciplinary Records Subcommittee**

**Monday, November 17, 2025 10 am**

Location: Cross State Office Building, Room 214 (Hybrid Meeting)  
Public access also available through the Maine Legislature's livestream:  
<https://legislature.maine.gov/Audio/#214>

1. Overview of meeting materials and updates from last meeting
2. Review and discussion of responses received from stakeholders regarding request for comment
  - i. Maine State Police policy on employee misconduct investigations
  - ii. Uniform definitions of terms
  - iii. Addressing misconduct (credentialing vs. employment)
3. Recommendations
4. Adjourn

**Public Employee Disciplinary Records Subcommittee**  
Request for Written Comment

Sent Friday, November 7, 2025

Good afternoon \_\_\_\_\_,

I am writing on behalf of the Right to Know Advisory Committee, an on-going advisory council, created by [Public Law 2005, chapter 631](#), with oversight authority and responsibility for a broad range of activities associated with the purposes and principles underlying Maine's Freedom of Access laws. The Right to Know Advisory Committee was created to serve as a resource and advisor about Maine's Freedom of Access laws and may make recommendations for changes in statutes to improve public access to records and proceedings and to maintain the integrity of the Freedom of Access laws. Each year, the Committee assembles a select group of subcommittees dedicated to further examination of topics requested of the Advisory Committee for consideration.

This year, the Right to Know Advisory Committee has reconvened a subcommittee dedicated to further exploration of issues related to public access to disciplinary records of public employees. As part of its work this interim, the subcommittee has asked me to contact the [\[name of organization\]](#) to see if you would be willing to share your perspective and the perspective of the public employees your organization serves on the following topics presented for consideration this year.

**REQUESTED PERSPECTIVE**

At the subcommittee's November 6, 2025 meeting ([recording here](#)), members heard from a representative of the Maine State Police to learn about the Maine State Police's Office of Professional Standards policy requiring the completion of any misconduct investigation of an employee to the point of completion, even if an employee who is the subject of the investigation has departed from their employment with the Maine State Police prior to the conclusion of the investigation (such as a resignation or a retirement).

**QUESTION 1: From the perspective of your organization and the public employees your organization represents,** please share some thoughts about this policy. How would your organization or its members feel about a policy requiring the completion of any misconduct investigations of the employees that your organization represents even if an employee who is the subject of the investigation has left their position?

**QUESTION 2: From the perspective of your organization and the public employees your organization represents,** would it be beneficial for state law to establish uniform definitions for the following terms: "discipline," "suspension," and "final agency action?"

**QUESTION 3: From the perspective of your organization and the public employees your organization represents,** is employee misconduct best handled through credentialing regulations (e.g., a governing body issuing a suspension of an employee's certification after findings of misconduct) or between an employee and their direct supervisor(s)?

If your organization may be willing to provide any written comments or feedback in response to these questions, please submit any written comments via email to Advisory Committee staff at [XXXX@legislature.maine.gov](mailto:XXXX@legislature.maine.gov) by **Friday, November 14, 2025 at 5:00PM**. If you have any questions, please do not hesitate to contact Advisory Committee staff via email or call 207-287-1670.

Thank you for your time and consideration of this request.

**Public Employee Disciplinary Records Subcommittee**  
Compilation of Written Responses

|                                                                            |
|----------------------------------------------------------------------------|
| Response Received from the Maine School Management Association (p. 1 of 2) |
|----------------------------------------------------------------------------|

**QUESTION 1: From the perspective of your organization and the public employees your organization represents, please share some thoughts about this policy. How would your organization or its members feel about a policy requiring the completion of any misconduct investigations of the employees that your organization represents even if an employee who is the subject of the investigation has left their position?**

The Maine School Management Association appreciates the intent of the Maine State Police policy and its desire for accountability and transparency throughout the hiring process. However, we believe that it could pose some unique challenges for schools.

While schools are fully supportive of any effort to prevent employee misconduct and protect students, districts face significant challenges in ensuring a comprehensive, fair investigation in situations when an employee resigns before an investigation has begun or is completed. First, a district cannot force an employee who has left the district to comply with an investigation and respond to questions or requests for information. Districts also do not have any power in these situations to discipline a former employee for not cooperating. This could result in a due process issue, with a district ultimately completing an investigation without being able to be truly fair to all sides.

With the district having little authority in these situations, we believe that these kinds of misconduct investigations may be best completed at the state level. Currently, we feel that 20-A MRSA §13025 contemplates these challenges and largely addresses these issues. It requires that a “school entity shall notify the department immediately if a credential holder who is the subject of a covered investigation leaves the school entity's employment for any reason prior to the conclusion of the covered investigation. A school entity shall notify the department immediately if a credential holder is disciplined, suspended or terminated as a result of a covered investigation in which the school entity determined that a student's health, safety or welfare was endangered.”

The DOE must notify school districts of any investigations that it takes up, and, if receiving a notice of a covered investigation by a local school district, “the department shall notify the superintendent or chief administrative officer of all other school entities for which the credential holder works, as reported to the department under [section 13026](#), that the credential holder was disciplined, suspended or terminated as a result of a covered investigation, or that the credential holder left employment prior to completion of a covered investigation. If a credential holder provides consent as part of that credential holder's application for employment with a school entity, the department shall notify the superintendent or the chief administrative officer of that school entity if that credential holder left employment with a school entity prior to the completion of a covered investigation of that credential holder.”

We believe that for the vast majority of cases, this process, if appropriately followed, will provide enough safeguards against any employee misconduct. However, we would advocate for two solutions that we believe would strengthen this process:

- We understand, based on Sen. Rotundo’s letter, that in some situations (such as if a credential holder leaves before an investigation begins), this process may not be sufficient. We suggest that the legislature could amend §13025 to instead require a school entity to notify the department immediately if a credential holder **who is facing allegations that could be subject of a**

**Public Employee Disciplinary Records Subcommittee**  
Compilation of Written Responses

|                                                                            |
|----------------------------------------------------------------------------|
| Response Received from the Maine School Management Association (p. 2 of 2) |
|----------------------------------------------------------------------------|

**covered investigation leaves the school entity’s employment for any reason prior to the conclusion of the covered investigation.** This would ensure that in any case of potential misconduct – even if an investigation had not yet begun before an employee left the district – the department would be notified.

- In addition, many districts already include a question on their hiring forms asking if a potential employee has ever resigned over allegations and/or an investigation over misconduct from a previous employer. An example from one school district reads: *“Have you ever failed to be rehired, been asked to resign a position, resigned to avoid termination or investigation, or been terminated from employment? If yes, explain.”*

We believe that including this language (or language similar to it) universally on hiring forms would provide another level of safeguard. As an association, MSMA would be happy to work with your committee to ensure all districts adopt such language on their hiring forms.

We believe that these two steps would protect students, ensure accountability, and strengthen the investigation process outlined in Maine statute.

**QUESTION 2: From the perspective of your organization and the public employees your organization represents, would it be beneficial for state law to establish uniform definitions for the following terms: “discipline,” “suspension,” and “final agency action?”**

Our only concern regarding this question would be how “discipline” would be defined in state law. In many local collective bargaining agreements, “discipline” is defined in a particular manner, and a definition in state law contradictory to that could create ambiguity and confusion in particular districts.

**QUESTION 3: From the perspective of your organization and the public employees your organization represents, is employee misconduct best handled through credentialing regulations (e.g., a governing body issuing a suspension of an employee’s certification after findings of misconduct) or between an employee and their direct supervisor(s)?**

We believe that for the overwhelming majority of disciplinary issues, discipline is best handled at the local level. One example would be tardiness: if an employee is repeatedly late to work, this kind of situation is clearly best handled at the local district level, instead of through credentialing regulations. Collective bargaining agreements contemplate these types of cases and what discipline should be administered.

However, we fully believe that if an issue involves allegations of severe employee misconduct (such as those described in 20-A MRSA §13025), it is clearly serious enough that other potential employers should be aware, and the Maine Department of Education should be looking at whether the credential holder maintains their certification. We think the investigation process outlined in §13025 largely ensures that the state is made aware of such situations, and we offer suggestions to strengthen that process in our response to Question 1.

**Public Employee Disciplinary Records Subcommittee**  
Compilation of Written Responses

|                                                                    |
|--------------------------------------------------------------------|
| Response Received from the Maine Municipal Association (p. 1 of 1) |
|--------------------------------------------------------------------|

Thank you so much for the opportunity to provide MMA's perspective and the data requested by the subcommittee to make informed policy decisions.

MMA is happy to collaborate on a survey to our members to get their perspective. However, the short timeline indicated with this request would make it difficult to get the type of qualitative data needed for the broad perspective questions being asked.

Since this data is part of the committee's ongoing work efforts, it would be ideal if our Legislative Policy Committee could weigh in on this request during their next scheduled meeting on January 15, 2026. If that timeline doesn't work for the committee, we're happy to work with you to come up with some sort of compromise that can fit the needs of the committee and the provide the desired qualitative results.

Thank you again for reaching out with your request.

**Public Employee Disciplinary Records Subcommittee**  
Compilation of Written Responses

|                                                                    |
|--------------------------------------------------------------------|
| Response Received from the Maine Education Association (p. 1 of 1) |
|--------------------------------------------------------------------|

**QUESTION 1: From the perspective of your organization and the public employees your organization represents,** please share some thoughts about this policy. How would your organization or its members feel about a policy requiring the completion of any misconduct investigations of the employees that your organization represents even if an employee who is the subject of the investigation has left their position?

Answer: The MEA would vigorously oppose any such requirement. First, very often the incentive for a member to separate employment is to bring an investigatory process to a close. Many people facing a disciplinary process would rather leave just to avoid going through the time and toll it takes to complete. Others simply want to avoid the perceived embarrassment of having uncomfortable issues aired in front of others, even if they feel they are in the right. Frequently, in such cases, the separation comes in the form of (1) a resignation, (2) some severance payment, and (3) removal of the relevant records from the personnel file. The process envisioned here would thus make settlements much harder to achieve, since the member would have to go through the investigatory process anyway. Second, from an organizational standpoint, we would likely be compelled to expend considerable resources pursuing a process with no immediate, practical benefit. Third, it is hard to envision what legal status such a completed investigation would maintain in these scenarios. Could the person's new employer discover it and then threaten their new position? The questions alike this are bottomless. Finally, this body will struggle to define what a "misconduct" investigation is, as a threshold matter. It is easy to envision conflict with Employers over the characterization of the action – and who would resolve that dispute?

**QUESTION 2: From the perspective of your organization and the public employees your organization represents,** would it be beneficial for state law to establish uniform definitions for the following terms: "discipline," "suspension," and "final agency action?"

Answer: No. Every situation that enters the disciplinary process is inherently different, and thus those definitions are better set by adjudicators in decisional law based on the facts of each case. For this reason, it is highly likely that this body – or the Legislature – will struggle to reach agreement over these definitions, because by their very nature they are meant to encompass an incredibly vast range of conduct. And, when the Legislature cannot reach agreement it very often reduces definitions to very broad concepts – which will have to be interpreted by adjudicators anyway.

**QUESTION 3: From the perspective of your organization and the public employees your organization represents,** is employee misconduct best handled through credentialing regulations (e.g., a governing body issuing a suspension of an employee's certification after findings of misconduct) or between an employee and their direct supervisor(s)?

Answer: Allegations of employee misconduct in an organized workplace should be resolved, as they have for nearly 100 years, through the collective bargaining agreement. The parties to the CBA make the mutual decision to have disputes resolved in this way and there is no reason for the State to impose itself in this process.

**Public Employee Disciplinary Records Subcommittee**  
Compilation of Written Responses

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|------------------------------------------------------------------------|
| Response Received from the Maine Sheriffs Association (10 pages total) |
|------------------------------------------------------------------------|

Please see responses from county sheriffs in the following attachment,  
compiled by the Maine Sheriffs Association.

#1

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Monday, November 10, 2025 8:26:07 PM  
**Last Modified:** Monday, November 10, 2025 8:42:56 PM  
**Time Spent:** 00:16:48  
**IP Address:** 104.28.39.138

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Page 1: Right To Know Advisory Committee (RTKAC)

Q1

Name of person completing this survey:

Sheriff Troy Morton

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Q2

From the perspective of your organization and the public employees your organization represents, please share some thoughts about this policy. How would your organization or its members feel about a policy requiring the completion of any misconduct investigations of the employees that your organization represents even if an employee who is the subject of the investigation has left their position?

Our office currently completes all investigations started , however union CBAs and uncooperative witnesses leaving may impact the completion and outcome.

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Q3

From the perspective of your organization and the public employees your organization represents, would it be beneficial for state law to establish uniform definitions for the following terms: “discipline,” “suspension,” and “final agency action?”

Currently union CBAs describe these definitions. I don't believe our profession needs a law to define these terms.

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Q4

From the perspective of your organization and the public employees your organization represents, is employee misconduct best handled through credentialing regulations (e.g., a governing body issuing a suspension of an employee's certification after findings of misconduct) or between an employee and their direct supervisor(s)?

Completely removing an agency or agency head's ability to manage its stuff is a ridiculous mindset.

Utilizing a restrictive model does not account for the various circumstances that may arise in any situation.

I do believe that in cases of termination or criminal conduct certifications should be examined.

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## #2

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Tuesday, November 11, 2025 5:01:12 AM  
**Last Modified:** Tuesday, November 11, 2025 5:25:33 AM  
**Time Spent:** 00:24:21  
**IP Address:** 76.179.17.243

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### Page 1: Right To Know Advisory Committee (RTKAC)

#### Q1

Name of person completing this survey:

Bill King

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#### Q2

From the perspective of your organization and the public employees your organization represents, please share some thoughts about this policy. How would your organization or its members feel about a policy requiring the completion of any misconduct investigations of the employees that your organization represents even if an employee who is the subject of the investigation has left their position?

I think it is overreach. If an employee leaves an organization in the midst of an administrative investigation, I question if the organization even has the authority to continue an investigation.

It is incumbent upon other agencies to conduct a thorough background investigation and by doing so, they should discover that the employee left under the cloud of an administrative investigation. This will require the organization to have an iron clad disclosure form that the prospective employee must fill out.

I would recommend this committee craft legislation that protects an agency when they disclose something about a former employee. Our county policy is to provide the date of hire and the date when they left. Normally, a background investigator will ascertain if the employee was not good when they ask the question, "is Johnny eligible for re-hire?"

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#### Q3

From the perspective of your organization and the public employees your organization represents, would it be beneficial for state law to establish uniform definitions for the following terms: "discipline," "suspension," and "final agency action?"

Absolutely! At present, agencies may only report the "final discipline" to requesting media or other agencies. And usually, the final discipline" is crafted so not many details are revealed.

I have disciplined deputies, and they have appealed the decision, which is usually a suspension. My legal counsel related that I cannot disclose anything during the appeal process, which includes an arbitration hearing. In other words, it could take months if not years to get a final disposition on a disciplinary matter.

I currently have a non-law enforcement staffer that is appealing a suspension because of the "wording" of the suspension letter!

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#### Q4

From the perspective of your organization and the public employees your organization represents, is employee misconduct best handled through credentialing regulations (e.g., a governing body issuing a suspension of an employee's certification after findings of misconduct) or between an employee and their direct supervisor(s)?

The challenge of leaving discipline up to a credentialing agency (like the MCJA) is that the credentialing agency assumes a role of 'above' the individual agency.

In the past, I thought for sure the MCJA would take some definitive action against an employee only to be disappointed. Discipline should remain with the individual agency.

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#3

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Tuesday, November 11, 2025 10:44:38 AM  
**Last Modified:** Tuesday, November 11, 2025 11:29:59 AM  
**Time Spent:** 00:45:20  
**IP Address:** 216.195.133.2

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Page 1: Right To Know Advisory Committee (RTKAC)

Q1

Name of person completing this survey:

Sheriff Todd Brackett, Lincoln County

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Q2

From the perspective of your organization and the public employees your organization represents, please share some thoughts about this policy. How would your organization or its members feel about a policy requiring the completion of any misconduct investigations of the employees that your organization represents even if an employee who is the subject of the investigation has left their position?

If I understand the question? We currently have policy in place that requires the completion of misconduct investigations of our employees. The policy currently doesn't change if the subject of the investigation leaves the agency during the investigation. The investigation would be completed.

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Q3

From the perspective of your organization and the public employees your organization represents, would it be beneficial for state law to establish uniform definitions for the following terms: "discipline," "suspension," and "final agency action?"

I see no immediate benefit to defining these terms in statute, Webster has done a pretty good job, for the first two. Final agency action was clarified in recent legislation appropriately requiring more detail regarding the circumstance leading to discipline. That seem to be working pretty well thus far.

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Q4

From the perspective of your organization and the public employees your organization represents, is employee misconduct best handled through credentialing regulations (e.g., a governing body issuing a suspension of an employee's certification after findings of misconduct) or between an employee and their direct supervisor(s)?

No, in general disciplinary matters should be left between the employee and management. There is ample law and case law guidance in the the application of just cause discipline including well established appeals processes outlined by collective bargaining agreement and the Maine Labor Relations Board. Credentialing regulations should be left to criminal and serious ethical matters as presented in each individual situation. One size fits all through an outside credentialing body in all cases is unnecessary.

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#4

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Wednesday, November 12, 2025 7:55:33 AM  
**Last Modified:** Wednesday, November 12, 2025 8:07:14 AM  
**Time Spent:** 00:11:41  
**IP Address:** 72.73.127.90

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Page 1: Right To Know Advisory Committee (RTKAC)

Q1

Name of person completing this survey:

Eric Samson

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Q2

From the perspective of your organization and the public employees your organization represents, please share some thoughts about this policy. How would your organization or its members feel about a policy requiring the completion of any misconduct investigations of the employees that your organization represents even if an employee who is the subject of the investigation has left their position?

All misconduct or internal investigations should be completed but we need to recognize due process. If an employee leaves employment they are not subject to Garity which may affect your ability to complete or through investigate the misconduct.

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Q3

From the perspective of your organization and the public employees your organization represents, would it be beneficial for state law to establish uniform definitions for the following terms: "discipline," "suspension," and "final agency action?"

Yes

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Q4

From the perspective of your organization and the public employees your organization represents, is employee misconduct best handled through credentialing regulations (e.g., a governing body issuing a suspension of an employee's certification after findings of misconduct) or between an employee and their direct supervisor(s)?

Each incident would be based on the severity, some issues are appropriately addressed by supervisory staff and others call for administrative oversight or action.

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#5

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Wednesday, November 12, 2025 12:37:31 PM  
**Last Modified:** Wednesday, November 12, 2025 1:01:03 PM  
**Time Spent:** 00:23:31  
**IP Address:** 71.254.110.178

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Page 1: Right To Know Advisory Committee (RTKAC)

Q1

Name of person completing this survey:

Sheriff Dale P. Lancaster

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Q2

From the perspective of your organization and the public employees your organization represents, please share some thoughts about this policy. How would your organization or its members feel about a policy requiring the completion of any misconduct investigations of the employees that your organization represents even if an employee who is the subject of the investigation has left their position?

It places the organization in a precarious position. You are asking for an investigation when the agency has no leverage over the employee. And the employee has no obligation to answer any questions, or meet with the employer

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Q3

From the perspective of your organization and the public employees your organization represents, would it be beneficial for state law to establish uniform definitions for the following terms: "discipline," "suspension," and "final agency action?"

On the face of the question, defining those terms universally would be helpful. Without the Union at the table for the discussion, the definitions become adversarial.

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Q4

From the perspective of your organization and the public employees your organization represents, is employee misconduct best handled through credentialing regulations (e.g., a governing body issuing a suspension of an employee's certification after findings of misconduct) or between an employee and their direct supervisor(s)?

employee and direct supervisor. You first have to define misconduct. I also do not believe that credentialing regulations would capture all of the nuances of the final decision an administrator has to consider.

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#6

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Thursday, November 13, 2025 9:06:46 AM  
**Last Modified:** Thursday, November 13, 2025 9:09:35 AM  
**Time Spent:** 00:02:48  
**IP Address:** 107.115.108.58

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Page 1: Right To Know Advisory Committee (RTKAC)

Q1

Name of person completing this survey:

Kevin Joyce

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Q2

From the perspective of your organization and the public employees your organization represents, please share some thoughts about this policy. How would your organization or its members feel about a policy requiring the completion of any misconduct investigations of the employees that your organization represents even if an employee who is the subject of the investigation has left their position?

I have no opinion at this time. I believe that there are some advantages and some disadvantages.

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Q3

From the perspective of your organization and the public employees your organization represents, would it be beneficial for state law to establish uniform definitions for the following terms: “discipline,” “suspension,” and “final agency action?”

Yes

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Q4

From the perspective of your organization and the public employees your organization represents, is employee misconduct best handled through credentialing regulations (e.g., a governing body issuing a suspension of an employee's certification after findings of misconduct) or between an employee and their direct supervisor(s)?

Yes

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#7

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Thursday, November 13, 2025 9:49:01 AM  
**Last Modified:** Thursday, November 13, 2025 10:03:43 AM  
**Time Spent:** 00:14:42  
**IP Address:** 64.222.64.202

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Page 1: Right To Know Advisory Committee (RTKAC)

Q1

Name of person completing this survey:

Scott Nichols

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Q2

From the perspective of your organization and the public employees your organization represents, please share some thoughts about this policy. How would your organization or its members feel about a policy requiring the completion of any misconduct investigations of the employees that your organization represents even if an employee who is the subject of the investigation has left their position?

If you have an employee resign in the middle of an investigation of misconduct. You should finish the investigation and submit the findings to the academy board.

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Q3

From the perspective of your organization and the public employees your organization represents, would it be beneficial for state law to establish uniform definitions for the following terms: “discipline,” “suspension,” and “final agency action?”

Yes, on the surface, this sounds okay; however, I am concerned about unintended consequences regarding minor violations of policy, which should be considered training issues, not discipline.

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Q4

From the perspective of your organization and the public employees your organization represents, is employee misconduct best handled through credentialing regulations (e.g., a governing body issuing a suspension of an employee’s certification after findings of misconduct) or between an employee and their direct supervisor(s)?

It depends on the level of misconduct. If it is a criminal act, that should be forwarded to the academy for credentials. However, non-criminal misconduct should be handled within the agency.

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#8

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Friday, November 14, 2025 11:04:35 AM  
**Last Modified:** Friday, November 14, 2025 11:08:00 AM  
**Time Spent:** 00:03:25  
**IP Address:** 209.222.212.50

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Page 1: Right To Know Advisory Committee (RTKAC)

Q1

Name of person completing this survey:

Scott A. Kane

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Q2

From the perspective of your organization and the public employees your organization represents, please share some thoughts about this policy. How would your organization or its members feel about a policy requiring the completion of any misconduct investigations of the employees that your organization represents even if an employee who is the subject of the investigation has left their position?

I feel once they have left an organization, that should end the investigation unless the misconduct is a crime

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Q3

From the perspective of your organization and the public employees your organization represents, would it be beneficial for state law to establish uniform definitions for the following terms: "discipline," "suspension," and "final agency action?"

Yes

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Q4

From the perspective of your organization and the public employees your organization represents, is employee misconduct best handled through credentialing regulations (e.g., a governing body issuing a suspension of an employee's certification after findings of misconduct) or between an employee and their direct supervisor(s)?

Between the employee and the direct supervisors

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#9

COMPLETE

**Collector:** Web Link 1 (Web Link)  
**Started:** Friday, November 14, 2025 10:20:47 AM  
**Last Modified:** Friday, November 14, 2025 3:19:27 PM  
**Time Spent:** 04:58:40  
**IP Address:** 107.161.158.133

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Page 1: Right To Know Advisory Committee (RTKAC)

Q1

Name of person completing this survey:

Anonymous

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Q2

From the perspective of your organization and the public employees your organization represents, please share some thoughts about this policy. How would your organization or its members feel about a policy requiring the completion of any misconduct investigations of the employees that your organization represents even if an employee who is the subject of the investigation has left their position?

Completion of an investigation without any leverage to require the employee to cooperate or answer questions would be difficult if not impossible, depending on the specific incident. It seems to be to make more sense for there to be some repercussion for an employee that leaves employment mid-investigation. Maybe there is a requirement for an agency to report when this happens, and an employee's certificate is suspended.

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Q3

From the perspective of your organization and the public employees your organization represents, would it be beneficial for state law to establish uniform definitions for the following terms: "discipline," "suspension," and "final agency action?"

No, I don't see a need for this.

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Q4

From the perspective of your organization and the public employees your organization represents, is employee misconduct best handled through credentialing regulations (e.g., a governing body issuing a suspension of an employee's certification after findings of misconduct) or between an employee and their direct supervisor(s)?

The answer to this question depends on the conduct being alleged. If the conduct is serious in nature, the ability to pull an employee's certificate is important to restrict someone's ability to simply move to another agency. If the conduct is minor in nature, it should remain within the organization.

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**Public Employee Disciplinary Records Subcommittee**  
Summary of 2025 Topics Considered

**Nineteenth Annual Report Recommendations Related to Public Employee Disciplinary Records**

**Recommendation 1:** *Request that the State Archivist convene a working group with stakeholders to make recommendations regarding a tiered system of retention for public employee disciplinary records.*

**Status:** The 2025 subcommittee reviewed the report of the working group and received additional information.

**Recommendation 2:** *Request that the Criminal Law Advisory Commission provide guidance related to records that could be used to impeach a witness in a criminal case (so-called “Brady/Giglio” materials).*

**Status:** The subcommittee discussed this request and expressed an interest in further examination of this topic next year.

**Recommendation 3:** *Review provisions of law relating to state, county and municipal employee personnel records and consider whether establishing consistency among provisions is appropriate.*

**Status:** The subcommittee expressed an interest in further discussion on this topic and received additional information.

**Requests for Consideration**

❖ **Letter from the Joint Standing Committee on the Judiciary re: LD 1484**

On June 18, 2025, the Joint Standing Committee on the Judiciary submitted a letter to the Right to Know Advisory Committee respectfully requesting that the Committee examine issues related to FOAA that were brought to the Committee’s attention through several items of proposed legislation this year. Given the complex and competing considerations presented to the Judiciary Committee in its consideration of LD 1484, *An Act Related to Public Access of Records of Certain Disciplinary Actions of Public Employees*, the Judiciary Committee voted that LD 1484 ought not to pass and requested that the Advisory Committee consider the bill’s proposal as it continues to examine the issues surrounding public access to public employee disciplinary records this year.

❖ **Letter from Senator Rotundo re: sexual misconduct investigations of educators**

On September 25, 2025, Senator Rotundo submitted a letter to the Right to Know Advisory Committee requesting further consideration of how educators and schools share information about educator investigations related to sexual misconduct, including investigations that are never completed.

**Invited Presenters and Requests for Comment**

The subcommittee heard from four presenters at the November 6, 2025 meeting, including:

| Presenter                                                 | Topic                                                                                                                   |
|-----------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|
| <b>Christian Cotz,</b><br>Maine State Archivist           | Retention and access to public employee disciplinary records, working group discussion                                  |
| <b>Lt. Col. Brian Scott,</b><br>Maine State Police        | Maine State Police policy on concluding employee misconduct investigations, including after a departure from employment |
| <b>Courtney Belolan,</b><br>Maine Department of Education | Maine Department of Education processes related to 20-A MRSA §13025                                                     |
| <b>Michael Perry,</b><br>Maine Department of Education    | Maine Department of Education processes related to 20-A MRSA §13025                                                     |

At the November 6, 2025 meeting, the subcommittee initiated a request for written comment from the following stakeholders on topics related to public employee misconduct investigations, uniformity in the definition of terms used, and how misconduct is addressed (credentialing vs. employment).

| Stakeholders                           |                                    |                                     |
|----------------------------------------|------------------------------------|-------------------------------------|
| Maine Municipal Association            | Maine Chiefs of Police Association | Maine Education Association         |
| Maine County Commissioners Association | Maine Sheriffs Association         | Maine School Management Association |
| Maine Service Employees Association    |                                    |                                     |