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Date: (Filing No. H-)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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

COMMITTEE AMENDMENT “ ” 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)