

# **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.

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

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

#### SUMMARY

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