



# 129th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2020

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Legislative Document

No. 2087

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H.P. 1488

House of Representatives, January 28, 2020

### An Act Relating to Fair Chance in Employment

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Labor and Housing suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative TALBOT ROSS of Portland.  
Cosponsored by Senator CLAXTON of Androscoggin and  
Representatives: CARNEY of Cape Elizabeth, EVANGELOS of Friendship, Senators:  
DESCHAMBAULT of York, President JACKSON of Aroostook.

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

2           **Sec. 1. 26 MRSA §600-A** is enacted to read:

3           **§600-A. Criminal history record information; employment application**

4           **1. Definition.** As used in this section, unless the context otherwise indicates,  
5           "criminal history record information" has the same meaning as in Title 16, section 703,  
6           subsection 3.

7           **2. Initial employee application form.** Except as provided in subsection 3 or 4, an  
8           employer may not request criminal history record information on its initial employee  
9           application form. An employer may inquire about a prospective employee's criminal  
10           history record information during an interview or once the prospective employee has been  
11           determined otherwise qualified for the position.

12           **3. Exceptions for initial employee application form.** An employer may inquire  
13           about criminal convictions on an initial employee application form if:

14           A. The prospective employee is applying for a position for which any federal or state  
15           law or regulation or rule creates a mandatory or presumptive disqualification based  
16           on a conviction for one or more types of criminal offenses and the questions on the  
17           initial employee application form are limited to the types of criminal offenses  
18           creating the disqualification;

19           B. The employer is subject to an obligation imposed by any federal or state law or  
20           regulation or rule not to employ a person, in either one or more positions, who has  
21           been convicted of one or more types of criminal offenses and the questions on the  
22           initial employee application form are limited to the types of criminal offenses  
23           creating the obligation;

24           C. The employer is required by federal or state law or regulation or rule to conduct a  
25           criminal history record check for the position for which the prospective employee is  
26           applying; or

27           D. The employer participates in a program that encourages employment of persons  
28           with criminal convictions.

29           **4. Waiver.** An employer may inquire about criminal convictions on an initial  
30           employee application form pursuant to subsection 3 even if the federal or state law or  
31           regulation or rule creating an obligation for the employer not to employ a person who has  
32           been convicted of one or more types of criminal offenses also permits the employer to  
33           obtain a waiver that would allow the employer to employ such a person.

34           **5. Statements.** Except as provided in subsection 6, an employer may not state on an  
35           initial employee application form or advertisement or otherwise assert that a person with  
36           a criminal history may not apply or will not be considered for a position.

37           **6. Exceptions for statements.** An employer may state on an initial employee  
38           application form or advertisement or otherwise assert that a person with a criminal history  
39           may not apply or will not be considered for a position if:

