

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-THREE

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**

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

**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.

The head of the law enforcement agency, correctional facility or county or regional jail that conducted the background investigation or polygraph examination of the law enforcement officer or corrections officer, or for whom the investigation or examination was performed, is immune from civil or criminal liability for releasing information gathered during 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.