



MAINE CHIEFS OF POLICE ASSOCIATION

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Statement in Support of
LD539, An Act To Require Law Enforcement Agencies To Do
a Thorough Background Check of Applicant Officers and To
Require the Release of Records, Including Sealed Records, to
the Requesting Agency, and
LD573, An Act Concerning Records of the Employment of Law
Enforcement Officers and Corrections Officers
March 25, 2021

Maine's chiefs of police welcome any measure that will assist them in determining whether applicants for positions with their departments are qualified in all respects. That includes determining whether any previous employment in the field of law enforcement might raise questions about their suitability for employment. Obviously, this requires that the chief have access to prior employment records.

We would like to raise a few cautions, particularly with respect to LD 573, and we welcome discussion of these during the work session.

First, a job applicant may not have the authority to permit the release of certain records, at least in the case of those currently or formerly employed by state agencies due to confidentiality provisions in the state's civil service code (5 MRS §7070). This could be remedied with a "notwithstanding" clause in this section of the bill.

Second, internal investigations within an agency are critical to determining wrongdoing on the job. Information may be gathered on the basis of strict confidentiality for informants. Releasing the results of such internal investigations could have a chilling effect on future investigations if informants are concerned their identities might later be revealed.

Third, the provisions of LD 573 apply only for applicants who were employed by a previous law enforcement agency within 90 days of applying for the new position. For an applicant who had been out of a law enforcement position for six months, for example, the bill would not require the applicant to sign a waiver for the release of employment records.

Fourth, if an applicant was rejected by another agency, perhaps as a result of a polygraph test, these bills would not enable another hiring agency to access information from the agency that rejected the applicant. A provision in the bill to require the rejecting agency to maintain records for some period of time might be appropriate.

We look forward to a thorough discussion of these and other issues raised by the introduction of these bills.