

DEPARTMENT OF ADMINISTRATIVE & FINANCIAL SERVICES
Bureau of Human Resources
July 11, 2019

HUMAN RESOURCES MEMORANDUM 5-19

TO: All Agency Heads, Agency Human Resource/EEO Representatives

SUBJECT: Criminal History Questions on Application Forms for Positions in Maine State Government

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LD 170, An Act To Prohibit Questions Regarding Criminal History on Certain State Employment Applications, was signed into law on April 5, 2019. The law (Public Law 2019, Chapter 22) prohibits the State from including on its application forms “any questions regarding an applicant's criminal history except when, due to the nature and requirements of the position, a person who has a criminal history may be disqualified from eligibility for the position.”

This law does not preclude interviewers from asking questions regarding an applicant’s criminal history during the interview process. It only prohibits such questions on the application forms.

It is our goal to implement this prohibition by July 22, 2019.

In order to be in compliance with the law, any question on any application form (with the exception explained below) which includes any reference to criminal history or convictions must be removed. This would include on-line forms (such as those on Recruiterbox) as well as any supplemental questionnaire used in the application process.

The law allows an exception if the job being filled is a job for which a criminal history would disqualify a person from eligibility (e.g. a sworn law enforcement job). This should be well documented before including a criminal history question on the application.

Any questions concerning this requirement should be directed to the Bureau of Human Resources.

s/ Holly Pomelow

Holly Pomelow, Acting Director
Bureau of Human Resources