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Paul R. LePage
GOVERNOR

2 July 2018

The 128th Legislature of the State of Maine
State House
Augusta, ME

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1566, "An Act to Enact the Maine Fair Chance Employment Act."

This bill prohibits state government from requesting criminal history information on initial employment application forms, unless a federal or state law prohibits individuals with certain criminal histories from holding the position and prohibits a public employer from requesting any criminal history information until the prospective employee is interviewed or after they have been otherwise qualified for the position. At the same time, the Act exempts school administrative units, municipalities, counties, and other political subdivisions of the State from this requirement.

LD 1566 requires the Bureau of Human Resources to modify their employment application forms—including online application forms—and requires the State to gather and maintain certain information which is not currently gathered or maintained. There is little chance the State will be able to comply with this legislation without making the necessary changes and updates to the computerized systems. These changes include modification to electronic data processing programs and capabilities, all at a cost to the Maine taxpayer.

In this time of record-low unemployment, an employer should consider hiring outside of the box. This means employers should consider a wider range of candidates and look at restructuring jobs or realigning tasks to accommodate such workers as teens, people with disabilities, and people with a criminal conviction. Employers do not need a law to do this. This is what they should be doing, and many resources exist at the Department of Labor to help them do so.

However, while I support hiring outside the box and actively did so in my past management roles, as Governor I cannot conscionably support taking the steps towards making individuals with criminal convictions a protected class and adding another layer of complexity to the hiring process.

For these reasons, I return LD 1566 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,


Paul R. LePage
Governor



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