

# MAINE STATE LEGISLATURE

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# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 1137

H.P. 826

House of Representatives, March 7, 2019

### **An Act To Clarify the Background Check Process for Certain Child Care Workers**

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Reference to the Committee on Health and Human Services suggested and ordered printed.

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

ROBERT B. HUNT  
Clerk

Presented by Representative MADIGAN of Waterville.  
Cosponsored by Senator MILLETT of Cumberland and  
Representatives: FARNSWORTH of Portland, HYMANSON of York, McCREIGHT of  
Harpwell, SYLVESTER of Portland, TALBOT ROSS of Portland.

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

2 **Sec. 1. 22 MRSA §8302-C, sub-§1, ¶H** is enacted to read:

3 H. A background check that complies with the provisions of Title 20-A, section 6103  
4 is sufficient to meet the state and federal criminal background check requirements of  
5 this section.

6 **Sec. 2. 22 MRSA §9053, sub-§7,** as enacted by PL 2015, c. 299, §25, is repealed.

7 **Sec. 3. 22 MRSA §9053, sub-§18,** as enacted by PL 2015, c. 299, §25, is  
8 repealed.

9 **Sec. 4. 22 MRSA §9053, sub-§29,** as enacted by PL 2015, c. 299, §25, is  
10 amended to read:

11 **29. Provider.** "Provider" means a licensed, certified or registered entity that  
12 employs direct care workers to provide long-term care, ~~child care~~ and in-home and  
13 community-based services under this ~~chapter~~ Subtitle.

14 **Sec. 5. 22 MRSA §9054, sub-§7, ¶¶A and D,** as enacted by PL 2015, c. 299,  
15 §25, are repealed.

16 **SUMMARY**

17 This bill removes the requirement that the Department of Health and Human  
18 Services, Background Check Center be used to screen prospective employees of child  
19 care facilities and family child care providers. Instead, this bill allows the criminal  
20 background check used for new and continuing school employees to fulfill the state and  
21 federal requirements for a mandatory criminal background check for a person who  
22 provides child care in a child care facility, a family child care provider and a person who  
23 provides day care in that person's home for one or 2 children whose care is paid for by  
24 state or federal funds.