

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 134

S.P. 70

In Senate, January 8, 2025

**An Act to Require Certain Individuals Who Instruct Children
Under 18 Years of Age in Dance or Creative Movement to Undergo
a Criminal Background Check**

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator RAFFERTY of York.

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

2 **Sec. 1. 22 MRSA c. 1693** is enacted to read:

3 **CHAPTER 1693**

4 **CHILD DANCE CLASS INSTRUCTORS**

5 **§9081. Background checks for child dance class instructors**

6 **1. Child dance class instructor defined.** For the purposes of this chapter, "child dance
7 class instructor" means an individual who, by virtue of employment, provides children
8 under 18 years of age structured dance or creative movement classes. "Child dance class
9 instructor" does not include employees or volunteers of a dance program for children under
10 18 years of age who are affiliated with a school and those employees or volunteers are
11 governed by Title 20-A, chapter 502 or individuals who are credentialed employees of a
12 school, pursuant to Title 20-A, chapter 502, that provides dance programs for children
13 under 18 years of age.

14 **2. Criminal background check required.** A child dance class instructor shall
15 complete a criminal background check pursuant to rules adopted in accordance with this
16 section.

17 **3. Rules.** The department shall adopt rules requiring a criminal background check that
18 meets the requirements of 42 United States Code, Section 9858f(b) for a child dance class
19 instructor. Rules adopted pursuant to this subsection are routine technical rules as defined
20 in Title 5, chapter 375, subchapter 2-A.

21 **Sec. 2. Department of Health and Human Services; rulemaking.** On or before
22 December 31, 2026, the Department of Health and Human Services shall adopt rules
23 necessary for the implementation, administration and enforcement of criminal background
24 checks for child dance class instructors pursuant to the Maine Revised Statutes, Title 22,
25 section 9081.

26 **Sec. 3. Department of Health and Human Services; report.** By December 3,
27 2025, the Department of Health and Human Services shall submit a report to the Joint
28 Standing Committee on Health and Human Services regarding the status of rulemaking
29 requiring criminal background checks of child dance class instructors pursuant to the Maine
30 Revised Statutes, Title 22, section 9081 and including any recommendations regarding
31 necessary statutory changes to facilitate the rulemaking. The department may include in
32 the report any recommendations for the licensing of child dance class instructors.

33 **SUMMARY**

34 This bill requires certain individuals who provide dance classes to children under 18
35 years of age to undergo a criminal background check. The bill requires the Department of
36 Health and Human Services to adopt rules to implement the criminal background check
37 requirement. The bill also requires the department to submit a report to the Joint Standing
38 Committee on Health and Human Services by December 3, 2025 on the status of the
39 adoption and implementation of the rules, and including any departmental
40 recommendations regarding the licensing of child dance class instructors.