

MAINE STATE LEGISLATURE

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DATE: 4-2-99

(Filing No. H-152)

CRIMINAL JUSTICE

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 534, L.D. 741, Bill, "An Act to Assist the Department of Public Safety in Implementing the Requirements of Fingerprint-based Background Checks"

Amend the bill by striking out all of section 1.

Further amend the bill in section 2 in subsection 6 in the 3rd line (page 1, line 49 in L.D.) by inserting after the following: "applicant" the following: 'or any other entity required by law'

Further amend the bill in section 2 in subsection 6 in the 9th and 10th lines (page 2, lines 5 and 6 in L.D.) by striking out the following: "from the applicant by the Maine State Police" and inserting in its place the following: 'by the Maine State Police for purposes of this section'

Further amend the bill by inserting after section 2 the following:

'Sec. 3. 20-A MRSA §6103, sub-§9 is enacted to read:

9. Applicant's right to have fingerprints removed from state repository upon retirement or career change. Teachers or educational personnel whose certification, authorization or approval has expired and who have not applied for renewal of certification, authorization or approval may request in writing that the State Bureau of Identification remove their fingerprints from the bureau's fingerprint file. In response to a written request, the bureau shall remove the requester's fingerprints

COMMITTEE AMENDMENT "A" to H.P. 534, L.D. 741

2 from the fingerprint file and provide written confirmation of
3 that removal to the requester.

4 **Sec. 4. 25 MRSA §1541, sub-§7** is enacted to read:

6 **7. Fees to obtain fingerprints for noncriminal justice**
7 **background checks.** Unless otherwise provided by law, an
8 applicant shall pay a one-time processing fee of \$25 to the
9 Department of Public Safety to offset the expenses incurred by
10 the department to obtain fingerprints to be used for conducting
11 state and national criminal history record checks for noncriminal
12 justice purposes when the State Bureau of Identification is
13 required to retain the fingerprints.'

14
15 Further amend the bill in section 7 in subsection 4 in the
16 last line (page 3, line 3 in L.D.) by inserting after the
17 following: "fingerprints" the following: ', except as provided
18 under Title 20-A, section 6103, subsection 9'

19 Further amend the bill by inserting after section 8 the
20 following:

21
22 **'Sec. 9. Allocation.** The following funds are allocated from
23 Other Special Revenue funds to carry out the purposes of this Act.

24
25 **1999-00** **2000-01**

26
27 **PUBLIC SAFETY, DEPARTMENT OF**

28
29 **Bureau of State Police**

30
31 All Other \$735,000 \$392,000

32
33 Allocates funds for the costs
34 of conducting
35 fingerprint-based background
36 checks for teachers and
37 educational personnel.'

38
39 Further amend the bill by relettering or renumbering any
40 nonconsecutive Part letter or section number to read
41 consecutively.

42
43 Further amend the bill by inserting at the end before the
44 summary the following:

45
46

FISCAL NOTE

2

1999-00

2000-01

4

APPROPRIATIONS/ALLOCATIONS

6

Other Funds

\$735,000

\$392,000

8

REVENUES

10

Other Funds

\$735,000

\$392,000

12

14 This bill includes additional Other Special Revenue funds
16 allocations to the Department of Public Safety in the amount of
18 \$735,000 and \$392,000 in fiscal years 1999-00 and 2000-01,
20 respectively, for the costs of conducting fingerprint-based
22 background checks for teachers and educational personnel.

18

20 Processing the fingerprint-based background checks will
22 increase fee collections. The estimated increases of dedicated
24 revenue to the Department of Public Safety are \$735,000 and
26 \$392,000 in fiscal years 1999-00 and 2000-01, respectively.

24

26 The additional costs associated with providing written
28 confirmation to the requester if fingerprints are removed from
the fingerprint file can be absorbed by the Department of Public
Safety utilizing existing budgeted resources.'

28

30 SUMMARY

32

34 This amendment specifies that teachers or other educational
36 personnel required to have fingerprints taken pursuant to the
38 Maine Revised Statutes, Title 20-A, section 6103 may request that
40 those fingerprints be removed from the State Bureau of
42 Identification's file if the requester's certification,
44 authorization or approval has expired and the requester has not
applied for renewal. Upon receiving the request, the State
Bureau of Identification shall remove the fingerprints from the
file. The amendment also clarifies that the applicant or any
other entity required by law is responsible for paying a one-time
\$25 processing fee when the Department of Public Safety takes the
applicant's fingerprints. The fee is used to offset the
department's costs. The amendment also adds an allocation
section and a fiscal note to the bill.