

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 792

S.P. 274

In Senate, January 28, 1999

**An Act to Allow Preliminary Steps to be Taken in Preparation for the
Mandatory Use of Conviction Data in Teacher Screening.**

(EMERGENCY)

Submitted by the Department of Public Safety pursuant to Joint Rule 204.
Reference to the Committee on Education and Cultural Affairs suggested and ordered
printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BERUBE of Androscoggin.
Cosponsored by Representative TESSIER of Fairfield and
Representative: WHEELER of Eliot.

2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

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6 Whereas, commencing July 1, 1999, certification,
authorization, approval and renewal of teachers and educational
personnel are subject to the Maine Revised Statutes, Title 20-A,
8 section 6103; and

10 Whereas, fingerprinting of the affected applicant,
conducting of the needed state and national criminal history
12 record checks by the State Bureau of Identification and
forwarding of the results to the Department of Education must
14 occur as a practical necessity before department screening using
conviction data begins on July 1, 1999; and

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18 Whereas, in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
20 necessary for the preservation of the public peace, health and
safety; now, therefore,

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

26 **Sec. 1. 20-A MRSA §6103, first ¶,** as amended by PL 1997, c.
452, §3, is further amended to read:

28 Beginning July 1, 1999 2000, certification, authorization,
~~approval~~ and renewal under chapters 501 and 502 are subject to
30 the provisions of this section. Fingerprinting of immediately
affected applicants for certification, authorization or renewal,
32 conducting of the needed state and national criminal history
record checks by the State Bureau of Identification and
34 forwarding of the results by the bureau to the department must
begin on September 1, 1999.

36 **Sec. 2. 20-A MRSA §6103,** as amended by PL 1997, c. 452, §3,
38 is further amended by adding after the first paragraph a new
paragraph to read:

40 Beginning September 1, 1999, approval under chapters 501 and
42 502 is subject to the provisions of this section. Fingerprinting
of applicants for approval, conducting of the needed state and
44 national criminal history record checks by the State Bureau of
Identification and forwarding of the results by the bureau to the
46 department must begin on September 1, 1999.

48 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect when approved.

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SUMMARY

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This bill authorizes preliminary steps to be taken commencing September 1, 1999, in preparation for the mandatory use of conviction data by the Department of Education in screening teacher and educational personnel applicants beginning on July 1, 2000, as well as extending the date one year when this is to begin. The necessary steps include fingerprinting the applicant, conducting the needed state and federal criminal history record checks by the State Bureau of Identification and forwarding the results by the bureau to the department.