

MAINE STATE LEGISLATURE

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M
R & S

L.D. 2490

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DATE: 2-1-00

(Filing No. H-778)

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

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HOUSE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to S.P. 951, L.D. 2490, Bill, "An Act to Provide Funding for Background Checks and Fingerprinting for School District Employees and Volunteers"

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Amend the amendment by striking out the substitute title and replacing it with the following:

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'An Act Regarding Background Checks and Fingerprinting'

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Further amend the amendment in the emergency preamble by striking out all of the 3rd paragraph (page 1, lines 42 to 47 in amendment) and inserting in its place the following:

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'Whereas, this legislation seeks to repeal the law requiring such checks; and'

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Further amend the amendment on page 2 by striking out everything after the first paragraph and before the emergency clause and inserting in its place the following:

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Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

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'Sec. 1. 20-A MRSA §6101, sub-§2, ¶B, as amended by PL 1995, c. 547, §4, is further amended to read:

R 48

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B. Except as provided in paragraph A, information in any form relating to an employee or applicant for employment, or to the employee's immediate family, must be kept confidential if it relates to the following:

(1) All information, working papers and examinations used in the examination or evaluation of all applicants for employment;

(2) Medical information of any kind, including information pertaining to diagnosis or treatment of mental or emotional disorders;

(3) Performance evaluations, personal references and other reports and evaluations reflecting on the quality or adequacy of the employee's work or general character compiled and maintained for employment purposes;

(4) Credit information;

(5) Except as provided by subsection 1, the personal history, general character or conduct of the employee or any member of the employee's immediate family;

(6) Complaints, charges of misconduct, replies to complaints and charges of misconduct and memoranda and other materials pertaining to disciplinary action;

(7) Social security number; and

(8) The teacher action plan and support system documents and reports maintained for certification purposes; ~~and.~~

~~(9) Criminal history record information obtained pursuant to section 6103.~~

Sec. 2. 20-A MRSA §6103, as amended by PL 1999, c. 35, §§1 and 2 and c. 110, §§1 and 2, is repealed.

Sec. 3. 20-A MRSA §13011, sub-§8, as enacted by PL 1997, c. 452, §7, is repealed.

Sec. 4. 25 MRSA §1542-A, sub-§1, ¶G, as enacted by PL 1999, c. 110, §6 and amended by c. 260, Pt. B, §7 and affected by §18, is repealed.

Sec. 5. 25 MRSA §1542-A, sub-§2, as amended by PL 1999, c. 260, Pt. B, §9 and affected by §18, is further amended to read:

HOUSE AMENDMENT

R 6

2 **2. Palm prints, footprints and photographs.** Whenever
fingerprints are to be taken pursuant to subsection 1, paragraph
4 A, or B or G, palm prints, footprints and photographs may also be
taken. Whenever palm prints, footprints or photographs are
6 ordered to be obtained pursuant to subsection 1, paragraph C, D
or F or are sought pursuant to paragraph E, the palm prints,
8 footprints or photographs must be taken.

10 **Sec. 6. 25 MRSA §1542-A, sub-§3, ¶F,** as enacted by PL 1999, c.
110, §7, is repealed.

12 **Sec. 7. 25 MRSA §1542-A, sub-§4,** as amended by PL 1999, c.
14 110, §8, is further amended to read:

16 **4. Duty to submit to State Bureau of Identification.** It is
the duty of the law enforcement agency taking the fingerprints as
18 required by subsection 3, paragraphs A and B to transmit
forthwith to the State Bureau of Identification the criminal
20 fingerprint record. Fingerprints taken pursuant to subsection 1,
paragraph C, D, E or F or pursuant to subsection 5 may not be
22 submitted to the State Bureau of Identification unless an express
request is made by the commanding officer of the State Bureau of
24 Identification. Fingerprints taken pursuant to subsection 1,
paragraph G must be transmitted forthwith to the State Bureau of
26 Identification to enable the bureau to conduct state and national
criminal history record checks for the Department of Education.
28 The bureau shall retain the fingerprints, ~~except as provided~~
~~under Title 20-A, section 6103, subsection 9.~~

30 **Sec. 8. 25 MRSA §1542-A, sub-§4,** as amended by PL 1999, c.
32 260, Pt. B, §12 and affected by §18, is further amended to read:

34 **4. Duty to submit to State Bureau of Identification.** It is
the duty of the law enforcement agency taking the fingerprints as
36 required by subsection 3, paragraphs A, B and G to transmit
forthwith to the State Bureau of Identification the criminal
38 fingerprint record. Fingerprints taken pursuant to subsection 1,
paragraph C, D, E or F or pursuant to subsection 5 may not be
40 submitted to the State Bureau of Identification unless an express
request is made by the commanding officer of the State Bureau of
42 Identification. Fingerprints taken pursuant to subsection 1,
paragraph G must be transmitted forthwith to the State Bureau of
44 Identification to enable the bureau to conduct state and national
criminal history record checks for the Department of Education.
46 The bureau shall retain the fingerprints, ~~except as provided~~
~~under Title 20-A, section 6103, subsection 9.~~

48 **Sec. 9. Allocation.** The following funds are allocated from
50 Other Special Revenue funds to carry out the purposes of this Act.

2 1999-00 2000-01

4 **PUBLIC SAFETY, DEPARTMENT OF**

6 **Bureau of State Police**

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9 All Other (\$585,000) (\$392,000)
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12 Deallocation of funds that are no
13 longer necessary to pay for
14 the costs of fingerprinting
15 and background checks for
16 certain school employees.

17 **Sec. 10. Effective date.** Those sections of this Act that amend
18 the Maine Revised Statutes, Title 25, section 1542-A, subsections
19 2 and 4, as amended by Public Law 1999, chapter 260, take effect
20 September 1, 2000.'

22 **FISCAL NOTE**

24 1999-00 2000-01

26 **APPROPRIATIONS/ALLOCATIONS**

28 Other Funds (\$585,000) (\$392,000)
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32 **REVENUES**

34 Other Funds (\$585,000) (\$392,000)

36 This amendment repeals the requirement that certain school
37 employees must pay for the costs of a background check and
38 fingerprinting. As amended, this bill includes Other Special
39 Revenue funds deallocations of \$585,000 and \$392,000 in fiscal
40 years 1999-00 and 2000-01, respectively, for the Bureau of State
41 Police within the Department of Public Safety. The repeal of
42 these requirements also results in a corresponding loss of
43 dedicated revenue collected by the department from fees charged
44 for background checks and fingerprinting.

R. 43

HOUSE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to S.P. 951, L.D.
2490

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SUMMARY

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This amendment repeals the law requiring background checks and fingerprinting. The amendment also corrects cross-references to the repealed provisions.

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SPONSORED BY: *Joanne Twomey*
(Representative TWOMEY)

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TOWN: Biddeford

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