

# MAINE STATE LEGISLATURE

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

HOUSE AMENDMENT "C" 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"

Amend the amendment by striking out all of section 2 (page 2, lines 11 to 39 in amendment) and inserting in its place the following:

Sec. 2. 20-A MRSA §6103, sub-§4-A is enacted to read:

4-A. Phase-in plan. The fingerprinting and approval process established by this section for certain classes of individuals must be phased in as follows:

A. The fingerprinting and approval process must be phased in for each person regularly employed in a school during the 1999-2000 school year who requires department approval to continue in that person's position and who has not been fingerprinted pursuant to this chapter prior to enactment of this section. The department shall issue that person a temporary approval card valid through a specified year from 2001 to 2004. Prior to July 1st of the year specified on the temporary approval card, the person must meet the requirements of this section. Once a person has met the requirements of this section, an approval card must be issued for 5 years effective July 1st of the year following the review of the criminal record information obtained from the Federal Bureau of Investigation;

B. A person placed under contract by a school and subject to the requirements of this section, who has not been

2 fingerprinted prior to the effective date of this  
3 subsection, must meet these requirements by July 1, 2002;

4 C. A person employed as a substitute who has not been  
5 fingerprinted prior to the effective date of this subsection  
6 must meet the requirements by July 1, 2002; and

7 D. A regular employee subject to the requirements of this  
8 section who begins work in a school after the effective date  
9 of this subsection must meet these requirements prior to  
10 their 20th day of employment.

11 **Sec. 3. 20-A MRSA §13011, sub-§1, ¶F,** as enacted by PL 1997,  
12 c. 452, §6, is repealed and the following enacted in its place:

13 F. Approve all individuals for whom certification or  
14 authorization is not required prior to being hired or being  
15 placed under contract by a public school or a private school  
16 that enrolls 60% or more publicly funded students.'

17 Further amend the amendment by inserting after section 3 the  
18 following:

19 **'Sec. 4. 25 MRSA §1542-A, sub-§4,** as amended by PL 1999, c.  
20 260, Pt. B, §12 and affected by §18, is further amended to read:

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

37 Further amend the amendment by striking out all of section 4  
38 and inserting in its place the following:

39 **'Sec. 4. Reimbursement of payment for certification, authorization**  
40 **or approval.** The Commissioner of Public Safety, upon receipt of  
41

proof determined to be adequate by the commissioner, shall reimburse amounts paid by those persons, including individuals or organizations placed under contract by a school, schools or school districts, who, prior to the effective date of this Act, have paid for the fingerprinting and conducting of the needed state and national criminal history record checks by the Department of Public Safety, Bureau of State Police, State Bureau of Identification, as required by the Maine Revised Statutes, Title 20-A, section 6103.

**Sec. 5. Reimbursement.** Any unexpended funds allocated from Other Special Revenue funds in fiscal years 1999-00 and 2000-01 to the Department of Public Safety to carry out the purposes of the Maine Revised Statutes, Title 20-A, section 6103 must be used to reimburse amounts paid prior to the effective date of this Act by persons, including individuals or organizations placed under contract by a school, schools or school districts.'

Further amend the amendment by striking out all of sections 5 and 6 and inserting in their place the following:

**Sec. 5. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1999-00	2000-01
<b>EDUCATION, DEPARTMENT OF</b>		
<b>Support Systems</b>		
All Other		(\$250,000)
Deappropriates funds that were reserved for offsetting the expenses of conducting certain fingerprinting and criminal records checks expenses.		
<b>DEPARTMENT OF EDUCATION</b>		
<b>TOTAL</b>		<u>(\$250,000)</u>
<b>PUBLIC SAFETY, DEPARTMENT OF</b>		
<b>Fingerprint and Background Information - State Expense</b>		
All Other	\$888,855	\$561,683

2           Appropriates funds for the  
3           costs of conducting  
4           background checks and  
5           fingerprinting for certain  
6           school employees and for the  
7           cost of providing rebates to  
8           those individuals who have  
9           already paid for the required  
10          background checks.

12	<b>DEPARTMENT OF PUBLIC SAFETY</b>		
	<b>TOTAL</b>	<u>\$888,855</u>	<u>\$561,683</u>
14			
16	<b>TOTAL APPROPRIATIONS</b>	<u>\$888,855</u>	<u>\$311,683</u>

18           **Sec. 6. Allocation.** The following funds are allocated from  
19           Other Special Revenue funds to carry out the purposes of this Act.

20  
21 **2000-01**

22           **PUBLIC SAFETY, DEPARTMENT OF**  
23           **Bureau of State Police**

24  
25           All Other (\$392,000)

26  
27           Deallocates funds no longer required for the  
28           costs of conducting fingerprint based  
29           background checks for teachers and  
30           educational personnel.'

31  
32           Further amend the amendment by inserting after section 6 the  
33           following:

34           '**Sec. 7. Effective date.** That section of this Act that amends  
35           the Maine Revised Statutes, Title 25, section 1542-A, subsection  
36           4 takes effect September 1, 2000.'

37           Further amend the amendment by relettering or renumbering  
38           any nonconsecutive Part letter or section number to read  
39           consecutively.

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42  
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45           **FISCAL NOTE**

46           As amended, this bill includes General Fund appropriations  
47           of \$888,855 and \$561,683 in fiscal years 1999-00 and 2000-01,  
48           respectively, for the State Bureau of Identification within the  
49  
50

2 Department of Public Safety to cover the costs of processing  
background checks and fingerprinting of certain school employees  
4 and for a portion of the costs of providing rebates to those  
individuals who have already paid for the required background  
6 checks. Of these amounts, \$245,592 will be used for a portion of  
the costs of the rebates. The unexpended balance of dedicated  
8 revenue collected by the Department of Public Safety from fees  
for conducting background checks is estimated to be \$543,263 and  
10 represents the net amount available for rebates after deducting  
the expenses incurred by the department for those fingerprint and  
12 background checks that will have been conducted through April 30,  
2000. The total estimated amount to be rebated from these two  
sources is \$788,855.

14  
16 The balance of the total biennial appropriation, \$1,204,946,  
is needed to cover the costs of processing background checks and  
fingerprinting for certain school employees. The estimated  
18 future costs will be at least \$232,750 in each of fiscal years  
2001-02 and 2002-03. The future costs of processing background  
20 checks and fingerprinting for substitutes and for contracted  
service providers can not be determined at this time.

22  
24 As amended, the bill also includes a deappropriation of  
\$250,000 in fiscal year 2000-01 to the Department of Education;  
26 these funds were appropriated by Public Law 1999, chapter 731 to  
reserve funding for the cost of conducting background checks and  
fingerprinting.

28  
30 The bill also includes an Other Special Revenue funds  
deallocation of \$392,000 in fiscal year 2000-01 for the Bureau of  
State Police within the Department of Public Safety to reflect  
32 the change in funding source for the cost of processing  
background checks and fingerprinting of certain school  
34 employees. In addition, the change in funding responsibility  
will result in a corresponding decrease of Other Special Revenue  
36 funds collected by the department in fiscal year 2000-01 from  
fees for background checks and fingerprinting.

38  
40 The Department of Education will incur some minor additional  
costs to collect certain data pertaining to contracted service  
42 providers and to issue temporary approval cards. These costs can  
be absorbed within the department's existing budgeted resources.

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### SUMMARY


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48 This amendment to Committee Amendment "A" provides a 5-year  
phase in for those school personnel who are in the approval  
category to permit compliance in the remaining timeframe. The  
50 amendment also postpones fingerprinting for contracted services

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2 providers until the 2001-2002 school year to allow the Department  
of Education to collect data on the number of contracted services  
4 providers who are employed by school administrative units in the  
State.

6 The amendment also specifies that the State will provide  
reimbursement for any person, organization, school district or  
8 school who has already paid for the fingerprinting and criminal  
history record check. The amendment further requires that, as of  
10 September 1, 2000, the State Bureau of Identification may not use  
the fingerprints of educational personnel for any other purpose  
12 than employment screening as provided in the Maine Revised  
Statutes, Title 20-A, section 6103. Finally, the amendment adds  
14 an appropriation section to the bill and appropriates funds to  
pay for the expenses of the criminal history record check for  
16 fiscal years 1999-00 and 2000-01.

18  
20 SPONSORED BY:   
(Representative BRENNAN)

22 TOWN: Portland  
24