

MAINE STATE LEGISLATURE

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L.D. 2490

DATE: 2/22/2000

(Filing No. S-504)

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STATE OF MAINE
SENATE
119TH LEGISLATURE
SECOND REGULAR SESSION

SENATE 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"

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

'An Act Regarding Background Checks and Fingerprinting'

Further amend the amendment in the emergency preamble by striking out all of the 2nd and 3rd paragraphs (page 1, lines 36 to 47 in amendment) and inserting in their place the following:

'Whereas, commencing July 1, 2000, the certification, authorization, approval and renewal of teachers and educational personnel are subject to the criminal history record check provisions of the Maine Revised Statutes, Title 20-A, section 6103; and

'Whereas, this legislation seeks to limit the application of that law to newly hired personnel and to reimburse those who have already paid for fingerprinting and background checks; and'

Further amend the amendment on page 2 by inserting after the first paragraph (page 2, line 7 in amendment) the following:

'Further amend the bill by inserting before section 1 the following:

'Sec. 1. 20-A MRSA §6103, first ¶, as amended by PL 1999, c. 35, §1, is repealed and the following enacted in its place:

Beginning July 1, 2000, a person who is subject to certification, authorization or approval under chapter 501 or 502

SENATE AMENDMENT

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L.D. 2490

who is hired by a local school administrative unit or an approved
private school is subject to the provisions of this section.

Sec. 2. 20-A MRSA §6103, 2nd ¶, as enacted by PL 1999, c. 35,
§2, is repealed.

Sec. 3. 20-A MRSA §6103, sub-§§1 and 2, as amended by PL 1997,
c. 452, §3, are further amended to read:

1. **Conviction data obtained; reliance.** The commissioner shall obtain criminal history record information containing a record of conviction data from the Maine Criminal Justice Information System for any person applying for certification, authorization, or approval ~~or approval or renewal~~. The commissioner may rely on information provided by the Maine Criminal Justice Information System within 24 months prior to the issuance of a certificate, authorization, or approval ~~or approval or renewal~~.

2. **Issuance restriction.** Issuance of a certificate, authorization, or approval ~~or approval or renewal~~ to any person whose criminal history record information includes a criminal conviction is subject to the provisions of Title 5, chapter 341 and section 13020.' '

Further amend the amendment by striking out all of sections 2 to 6 and inserting in their place the following:

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

4-A. Hire by a new school administrative unit or approved private school. Certified, authorized or approved personnel who are hired by another local school administrative unit or approved private school must meet the requirements of this section prior to that person's 10th day of employment.

Sec. 3. 20-A MRSA §6103, sub-§§5 and 7, as enacted by PL 1997, c. 452, §3, are amended to read:

5. **Criminal record information obtained from the Federal Bureau of Investigation.** The commissioner shall obtain other state and national criminal history record information from the Federal Bureau of Investigation for any person applying for certification, authorization, or approval ~~or approval or renewal~~. The commissioner may rely on information provided by the Federal Bureau of Investigation within 24 months prior to the issuance of a certificate, authorization, or approval ~~or approval or renewal~~.

7. **Use of criminal history record.** State and federal criminal history record information may be used for the purpose of screening educational personnel applicants by the commissioner

in order to determine whether certification, authorization, or
approval or--renewal of educational personnel is granted or
maintained.

Sec. 4. 25 MRSA §1541, sub-§8 is enacted to read:

8. Carrying balance. Any unencumbered balance from funds
appropriated from the General Fund to accomplish the purpose of
Title 20-A, section 6103 may not lapse but must be carried
forward to be used for the same purpose.

Sec. 5. Payment for certification, authorization or approval. The
Commissioner of Public Safety, upon receipt of proof determined
to be adequate by the commissioner, shall reimburse those
persons, including contracted services providers, schools and
school districts, who 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. 6. Appropriation. The following funds are appropriated
from the General Fund to carry out the purposes of this Act.

	1999-00	2000-01
PUBLIC SAFETY, DEPARTMENT OF		
Fingerprint and Background		
Information - Reimbursement		
All Other	\$175,000	
Appropriates funds to provide rebates to certain individuals and schools who have already paid for a criminal history record check pursuant to the Maine Revised Statutes, Title 20-A, section 6103.		
Fingerprint and Background		
Information - State Expense		
All Other		\$279,300
Appropriates funds for the		

SENATE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to S.P. 951,
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costs of conducting
background checks and
fingerprinting for persons
newly employed by a public
school beginning on July 1,
2000.

DEPARTMENT OF PUBLIC SAFETY
TOTAL \$175,000 \$279,300

Sec. 7. Allocation. The following funds are allocated from
Other Special Revenue funds to carry out the purposes of this Act.

1999-00 **2000-01**

PUBLIC SAFETY, DEPARTMENT OF

Bureau of State Police

All Other (\$410,000) (\$392,000)

Deallocates funds that are no
longer necessary to reflect
the costs of background
checks and fingerprinting.'

Further amend the amendment by inserting after the emergency
clause the following:

'Further amend the bill by relettering or renumbering any
nonconsecutive Part letter or section number to read
consecutively.'

FISCAL NOTE

1999-00 **2000-01**

APPROPRIATIONS/ALLOCATIONS

General Fund \$175,000 \$279,300
Other Funds (410,000) (392,000)

REVENUES

Other Funds (\$410,000) (\$392,000)

The amendment includes a General Fund appropriation of
\$175,000 in fiscal year 1999-00 to the Department of Public

2 Safety to cover the costs of reimbursing certain school employees
3 who have paid for the costs of background checks and
4 fingerprinting. The amendment also includes a General Fund
5 appropriation of \$279,300 to the Department of Public Safety in
6 fiscal year 2000-01 for the costs of fingerprinting and
7 background checks for new school employees. The estimated future
8 costs are also \$279,300 per year beginning in fiscal year
9 2001-02. These amounts do not include the costs of conducting
10 background checks and fingerprinting for all contracted service
11 providers employed by a public school, nor does it include
12 similar costs for those teachers who were previously certified
13 but are newly hired after July 1, 2000. These amounts can not be
14 determined at this time. Additional General Fund appropriations
15 will be required to cover the costs for these groups of
16 individuals.

17 The amendment also includes Other Special Revenue funds
18 deallocations of \$410,000 and \$392,000 in fiscal years 1999-00
19 and 2000-01, respectively, for the Bureau of State Police within
20 the Department of Public Safety to reflect the repeal in
21 fingerprinting and background check requirements for certain
22 school employees. In addition, the repeal of the fingerprinting
23 and background check requirements will result in a corresponding
24 decrease of Other Special Revenue funds collected by the
25 department in fiscal years 1999-00 and 2000-01 from fees for
26 background checks and fingerprinting.

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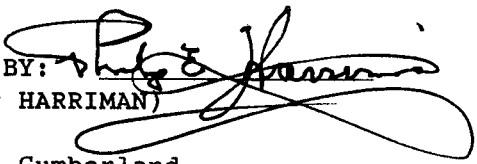
SUMMARY

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33 Like the bill as amended by Committee Amendment "A," this
34 amendment requires the State to pay the costs of the
35 fingerprinting and background checks and reimburses those who
36 have already paid for the fingerprinting and criminal history
37 record checks. This amendment also limits application of the
38 fingerprinting and background check requirement to personnel
39 hired by a local school administrative unit or an approved
40 private school on or after July 1, 2000.

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45 SPONSORED BY: 
46 (Senator HARRIMAN)

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COUNTY: Cumberland

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