

MAINE STATE LEGISLATURE

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DATE: April 28, 2000

(Filing No. S-798)

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STATE OF MAINE
SENATE
119TH LEGISLATURE
SECOND REGULAR SESSION

SENATE 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 inserting before section 1 the following:

'Sec. 1. 20-A MRSA §6103, first ¶, as amended by PL 1999, c. 35, §1, is further amended to read:

Beginning ~~July---1~~ August 15, 2000, certification, authorization and renewal under chapters 501 and 502 are subject to the provisions of this section. A person who has complied with the requirements of this section is not required to submit to a subsequent criminal history record check unless that person has not been continuously employed in a position requiring certification or authorization under chapters 501 and 502. A person who has not been continuously employed in such a position is subject to a subsequent criminal history record check upon renewal. Fingerprinting of immediately affected applicants for certification, authorization or renewal, conducting of the needed state and national criminal history record checks by the State Bureau of Identification and forwarding of the results by the bureau to the department must begin on ~~September-1,-1999~~ August 15, 2000.

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

Beginning ~~September-1,-1999~~ August 15, 2000, approval under chapters 501 and 502 is subject to the provisions of this section. A person who has complied with the requirements of this

SENATE AMENDMENT

2 section is not required to submit to a subsequent criminal
3 history record check unless that person has not be continuously
4 employed in a position requiring approval under chapters 501 and
5 502. A person who has not been continuously employed in such a
6 position is subject to a subsequent criminal history record check
7 upon renewal. Fingerprinting of applicants for approval,
8 conducting of the needed state and national criminal history
9 record checks by the State Bureau of Identification and
10 forwarding of the results by the bureau to the department must
11 begin on ~~September 1, 1999~~ August 15, 2000.'

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

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

16 4-A. Phase-in plan. The fingerprinting and approval
17 process established by this section for certain classes of
18 individuals must be phased in as follows:

19 A. The fingerprinting and approval process must be phased
20 in for each person regularly employed in a school during the
21 1999-2000 school year who requires department approval to
22 continue in that person's position and who has not been
23 fingerprinted pursuant to this chapter prior to enactment of
24 this section. The department shall issue that person a
25 temporary approval card valid through a specified year from
26 2001 to 2004. Prior to July 1st of the year specified on
27 the temporary approval card, the person must meet the
28 requirements of this section. Once a person has met the
29 requirements of this section, an approval card must be
30 issued for 5 years effective July 1st of the year following
31 the review of the criminal record information obtained from
32 the Federal Bureau of Investigation;

33 B. A person placed under contract by a school and subject
34 to the requirements of this section, who has not been
35 fingerprinted prior to the effective date of this
36 subsection, must meet these requirements by July 1, 2002;

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

40 D. A regular employee subject to the requirements of this
41 section who begins work in a school after the effective date
42 of this subsection must meet these requirements prior to
43 their 20th day of employment.

44

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

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

8
10 Further amend the amendment by inserting after section 3 the
following:

12 '**Sec. 4. 25 MRSA §1542-A, sub-§4**, as amended by PL 1999, c.
14 260, Pt. B, §12 and affected by §18, is further amended to read:

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

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

36 '**Sec. 4. Reimbursement of payment for certification, authorization**
38 **or approval.** The Commissioner of Public Safety, upon receipt of
40 proof determined to be adequate by the commissioner, shall
42 reimburse amounts paid by those persons, including individuals or
44 organizations placed under contract by a school, schools or
46 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.

48 **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

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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
EDUCATION, DEPARTMENT OF		
Support Systems		
All Other		(\$250,000)
Deappropriates funds that were reserved for offsetting the expenses of conducting certain fingerprinting and criminal records checks expenses.		
DEPARTMENT OF EDUCATION TOTAL		<u>(\$250,000)</u>
PUBLIC SAFETY, DEPARTMENT OF		
Fingerprint and Background Information - State Expense		
All Other	\$888,855	\$561,683
Appropriates funds for the costs of conducting background checks and fingerprinting for certain school employees and for the cost of providing rebates to those individuals who have already paid for the required background checks.		
DEPARTMENT OF PUBLIC SAFETY TOTAL	<u>\$888,855</u>	<u>\$561,683</u>

2 TOTAL APPROPRIATIONS \$888,855 \$311,683

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

8 2000-01

10 PUBLIC SAFETY, DEPARTMENT OF

12 Bureau of State Police

14 All Other (\$392,000)

16 Deallocates funds no longer required for the
18 costs of conducting fingerprint based
20 background checks for teachers and
22 educational personnel.'

Further amend the amendment by inserting after section 6 the following:

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

28 Further amend the amendment by relettering or renumbering
30 any nonconsecutive Part letter or section number to read
consecutively.

32 FISCAL NOTE

34

36 As amended, this bill includes General Fund appropriations
38 of \$888,855 and \$561,683 in fiscal years 1999-00 and 2000-01,
40 respectively, for the State Bureau of Identification within the
42 Department of Public Safety to cover the costs of processing
44 background checks and fingerprinting of certain school employees
46 and for a portion of the costs of providing rebates to those
48 individuals who have already paid for the required background
50 checks. Of these amounts, \$245,592 will be used for a portion of
the costs of the rebates. The unexpended balance of dedicated
revenue collected by the Department of Public Safety from fees
for conducting background checks is estimated to be \$543,263 and
represents the net amount available for rebates after deducting
the expenses incurred by the department for those fingerprint and
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.

2 The balance of the total biennial appropriation, \$1,204,946,
3 is needed to cover the costs of processing background checks and
4 fingerprinting for certain school employees. The estimated
5 future costs will be at least \$232,750 in each of fiscal years
6 2001-02 and 2002-03. The future costs of processing background
7 checks and fingerprinting for substitutes and for contracted
8 service providers can not be determined at this time. Beginning
9 in fiscal year 2004-05, due to the provision that certain school
10 employees will not have to undergo additional background checks,
11 the costs of this bill will be reduced. The amounts can not be
12 determined at this time.

14 As amended, the bill also includes a deappropriation of
15 \$250,000 in fiscal year 2000-01 to the Department of Education;
16 these funds were appropriated by Public Law 1999, chapter 731 to
17 reserve funding for the cost of conducting background checks and
18 fingerprinting.

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

30 The Department of Education will incur some minor additional
31 costs to collect certain data pertaining to contracted service
32 providers and to issue temporary approval cards. These costs can
33 be absorbed within the department's existing budgeted resources.
34

36 SUMMARY

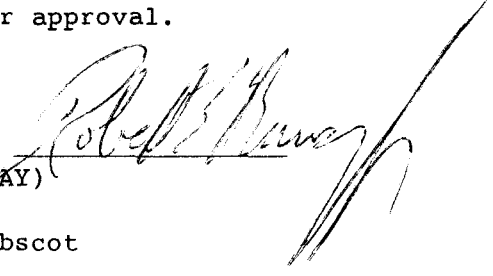
38 This amendment to Committee Amendment "A" provides a 5-year
39 phase in for those school personnel who are in the approval
40 category to permit compliance in the remaining timeframe. The
41 amendment also postpones fingerprinting for contracted services
42 providers until the 2001-2002 school year to allow the Department
43 of Education to collect data on the number of contracted services
44 providers who are employed by school administrative units in the
45 State.

46 The amendment also specifies that the State will provide
47 reimbursement for any person, organization, school district or
48 school who has already paid for the fingerprinting and criminal
49 history record check. The amendment further requires that, as of
50

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2 September 1, 2000, the State Bureau of Identification may not use
the fingerprints of educational personnel for any other purpose
4 than employment screening as provided in the Maine Revised
Statutes, Title 20-A, section 6103. Finally, the amendment adds
6 an appropriation section to the bill and appropriates funds to
pay for the expenses of the criminal history record check for
8 fiscal years 1999-00 and 2000-01.

10 This amendment provides that criminal history record checks
for educational personnel need to be conducted only once unless a
12 person has not been continuously employed in a position requiring
certification, authorization or approval under the Maine Revised
14 Statutes, Title 20-A, chapters 501 and 502. A person who has a
break in employment service must submit to a criminal history
16 record check at the time of the renewal of the certification,
authorization or approval.

18
20 SPONSORED BY: 
(Senator MURRAY)

22 COUNTY: Penobscot
24