

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
119TH LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT "D" 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 after the emergency preamble 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 further amended to read:

Beginning July 1, 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 national 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 national criminal history record check upon renewal. School vacations are not a break in employment. 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.

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

SENATE AMENDMENT

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

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

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

20 **4-A. Phase-in plan.** The fingerprinting and approval
21 process established by this section for certain classes of
22 individuals must be phased in as follows:

23 A. The fingerprinting and approval process must be phased
24 in for all persons regularly employed in a school during the
25 1999-2000 school year who require department approval to
26 continue in their positions and who have not been
27 fingerprinted pursuant to this section prior to enactment of
28 this subsection. The department shall issue each person a
29 temporary approval card valid through a specified year from
30 2001 to 2004. Prior to July 1st of the year specified on
31 the temporary approval card, the person must meet the
32 requirements of this section. Once a person has met the
33 requirements of this section, an approval card must be
34 issued;

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

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

42 D. A regular employee subject to the requirements of this
43 section who begins work in a school after the effective date

2 of this subsection must meet these requirements prior to
3 their 20th day of employment.

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

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

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

13
14 **'Sec. 4. 25 MRSA §1542-A, sub-§4,** as amended by PL 1999, c.
15 260, Pt. B, §12 and affected by §18, is further amended to read:

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

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

37
38 **'Sec. 4. Reimbursement of payment for certification, authorization**
39 **or approval.** The Commissioner of Public Safety, upon receipt of
40 proof determined to be adequate by the commissioner, shall
41 reimburse amounts paid by those persons, including individuals or
42 organizations placed under contract by a school, schools or
43 school administrative units, who, prior to the effective date of
44 this Act, have paid for the fingerprinting and conducting of the
45 needed state and national criminal history record checks by the
46 Department of Public Safety, Bureau of State Police, State Bureau
47 of Identification, as required by the Maine Revised Statutes,
48 Title 20-A, section 6103.

already paid for the required
background checks.

2

4

**DEPARTMENT OF PUBLIC SAFETY
TOTAL**

\$888,855

\$561,683

6

TOTAL APPROPRIATIONS

\$888,855

\$311,683

8

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

10

12

2000-01

14

PUBLIC SAFETY, DEPARTMENT OF

16

Bureau of State Police

18

All Other

(\$392,000)

20

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

22

24

26

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

28

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

30

32

FISCAL NOTE

34

As amended, this bill includes General Fund appropriations
of \$888,855 and \$561,683 in fiscal years 1999-00 and 2000-01,
respectively, for the State Bureau of Identification within the
Department of Public Safety to cover the costs of processing
background checks and fingerprinting of certain school employees
and for a portion of the costs of providing rebates to those
individuals who have already paid for the required background
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 2
sources is \$788,855.

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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.

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

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

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

34 SUMMARY

35 This amendment to Committee Amendment "A" provides a 5-year
36 phase in for those school personnel who are in the approval
37 category to permit compliance in the remaining timeframe. The
38 amendment also postpones fingerprinting for substitutes and
39 contracted services providers until the 2001-2002 school year to
40 allow the Department of Education to collect data on the number
41 of affected individuals.

42 The amendment also specifies that the State will provide
43 reimbursement for any person, organization, school administrative
44 unit or school who has already paid for the fingerprinting and
45 criminal history record check. The amendment further requires
46 that the State Bureau of Identification may not use the
47 fingerprints of educational personnel for any other purpose than
48
49
50

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

employment screening as provided in the Maine Revised Statutes,
Title 20-A, section 6103.

This amendment provides that national criminal history record checks for educational personnel need to be conducted only once unless a person has not been continuously employed in a position requiring certification, authorization or approval under the Maine Revised Statutes, Title 20-A, chapters 501 and 502. A person who has a break in employment service, other than school vacations, must submit to a national criminal history record check at the time of the renewal of the certification, authorization or approval. Nothing in this amendment precludes an individual from requesting a state criminal history record check for educational personnel at any time.

Finally, the amendment adds an appropriation section to the bill and appropriates funds to pay for the expenses of the criminal history record check for fiscal years 1999-00 and 2000-01.

SPONSORED BY: *Sen Robert E. Murray Jr.*
(Senator MURRAY)

COUNTY: Penobscot