

MAINE STATE LEGISLATURE

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L.D. 2490

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DATE: January 25, 2000

(Filing No. S- 474)

EDUCATION AND CULTURAL AFFAIRS

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**STATE OF MAINE
SENATE
119TH LEGISLATURE
SECOND REGULAR SESSION**

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 bill by striking out the title and substituting the following:

'An Act to Provide Funding for Background Checks and Fingerprinting for School District Employees'

Further amend the bill by inserting before the enacting clause the following:

'Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, commencing July 1, 1999, 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, the Department of Education estimates that implementation of the criminal history record check statutes will involve both fingerprinting and conducting state and national criminal history record checks by the Department of Public Safety, State Bureau of Identification for over 25,000 affected applicants over the current biennium; and

COMMITTEE AMENDMENT

A.S.

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

2 **Whereas,** in the judgment of the Legislature, these facts
4 create an emergency within the meaning of the Constitution of
6 Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
safety; now, therefore, '

8 Further amend the bill by striking out all of section 2 and
10 inserting in its place the following:

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

14 4-A. Phase-in plan. The fingerprinting and approval
process established by this section must be phased in as follows:

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

30 B. Contracted services providers as described in section
13011, subsection 1, paragraph F that are subject to the
32 requirements of this section must meet these requirements by
July 1, 2001. The department shall collect data on the
34 number of contracted services providers employed by school
administrative units in the State; and

36 C. A person subject to the requirements of this section who
38 begins work in a public school after July 1, 2000 must meet
these requirements prior to that person's 10th day of
40 employment.

42 Sec. 3. 25 MRSA §1541, sub-§8 is enacted to read:

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

48 Sec. 4. Payment for certification, authorization or approval. The
Commissioner of Public Safety, upon receipt of proof determined

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

2 to be adequate by the commissioner, shall reimburse those
4 persons, including contracted services providers, schools and
6 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.

8
10 **Sec. 5. Appropriation.** The following funds are appropriated
from the General Fund to carry out the purposes of this Act.

12		1999-00	2000-01
14	PUBLIC SAFETY,		
16	DEPARTMENT OF		
18	Fingerprinting and Background		
	Information - State Expenses	\$846,475	\$678,013

20 Provides funds to pay for the
22 expense of processing
fingerprints and for the
24 expense of conducting a
criminal record information
26 check by the Federal Bureau
of Investigation. These
28 funds may also be used to
provide rebates to
30 individuals and schools who
have already paid for a
32 criminal history record check
pursuant to the Maine Revised
34 Statutes, Title 20-A, section
6103.

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

40		2000-01
42	PUBLIC SAFETY, DEPARTMENT OF	
44	Bureau of State Police	
46	All Other	(\$392,000)
48	Deallocates funds no longer required for the costs of conducting fingerprint-based	

2 background checks for
3 teachers and educational
4 personnel.

5 **Emergency clause.** In view of the emergency cited in the
6 preamble, this Act takes effect when approved.'

7 Further amend the bill by inserting at the end before the
8 summary the following:
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12 **FISCAL NOTE**

13
14 **1999-00** **2000-01**

15
16 **APPROPRIATIONS/ALLOCATIONS**

17 General Fund \$846,475 \$678,013
18 Other Funds (392,000)
19

20
21
22 **REVENUES**

23 Other Funds (\$392,000)
24

25 This bill includes General Fund appropriations of \$846,475
26 and \$678,013 in fiscal years 1999-00 and 2000-01, respectively,
27 for a new Criminal History Record Information - State Expenses
28 program within the Department of Public Safety to cover the costs
29 of processing background checks and fingerprinting of certain
30 school employees. The future costs of processing background
31 checks and fingerprinting for certain contracted service
32 providers can not be determined at this time.
33

34 The bill also includes an Other Special Revenue deallocation
35 of \$392,000 in fiscal year 2000-01 for the Bureau of State Police
36 within the Department of Public Safety to reflect the change in
37 funding source for the cost of processing background checks and
38 fingerprinting of certain school employees. In addition, the
39 change in funding responsibility will result in a corresponding
40 decrease of Other Special Revenue funds collected by the
41 department in fiscal year 2000-01 from fees for background checks
42 and fingerprinting.
43

44 The Department of Education will incur some minor additional
45 costs to administer the issuance of temporary approval cards and
46 to collect certain data pertaining to contracted service
47 providers. These costs can be absorbed within the department's
48 existing budgeted resources.'

2

SUMMARY

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6 This amendment is the majority report of the committee. The
8 amendment provides that the State shall pay for the criminal
10 history record check required for any person regularly employed
12 in a public school during the 1999-2000 school year who requires
14 Department of Education certification, authorization or approval
to continue in that person's position. Under this amendment, the
State shall pay for the initial \$49 cost for fingerprinting and
conducting the state and federal criminal history record checks,
as well as the recurring \$24 fee to the Federal Bureau of
Investigation for the criminal history record check.

16

18 The amendment further provides a 5-year phase-in period for
20 the 13,500 other individuals in the approval category to permit
22 compliance in the remaining timeframe. The amendment also
postpones fingerprinting for contracted services providers until
the 2001-02 school year to allow the Department of Education to
collect data on the number of contracted services providers who
are employed by school administrative units in the State.

24

26 The amendment also specifies that the State will provide
28 reimbursement for any contracted services provider who has
30 already paid for the fingerprinting and criminal history record
check. The amendment adds an emergency preamble and emergency
clause to the bill. Finally, the amendment adds appropriation
and allocation sections and a fiscal note to the bill and
appropriates funds to pay for the expenses of the criminal
history record checks for the 1999-2001 biennium.