

MAINE STATE LEGISLATURE

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L.D. 2540

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DATE: 4-12-00

(Filing No. H-1117)

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

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S.P. 987, L.D. 2540, Bill, "An Act Concerning Fingerprinting and Background Checks for School Employees"

Amend the amendment by striking out everything after the first indented paragraph after the title and before the summary and inserting in its place the following:

Sec. 1. 20-A MRSA §6101, sub-§2, ¶B, as amended by PL 1995, c. 547, §4, is further amended to read:

B. Except as provided in paragraph A, information in any form relating to an employee or applicant for employment, or to the employee's immediate family, must be kept confidential if it relates to the following:

- (1) All information, working papers and examinations used in the examination or evaluation of all applicants for employment;
- (2) Medical information of any kind, including information pertaining to diagnosis or treatment of mental or emotional disorders;
- (3) Performance evaluations, personal references and other reports and evaluations reflecting on the quality or adequacy of the employee's work or general character compiled and maintained for employment purposes;
- (4) Credit information;
- (5) Except as provided by subsection 1, the personal history, general character or conduct of the employee or any member of the employee's immediate family;

HOUSE AMENDMENT

2 (6) Complaints, charges of misconduct, replies to
4 complaints and charges of misconduct and memoranda and
other materials pertaining to disciplinary action;

6 (7) Social security number; and

8 (8) The teacher action plan and support system
10 documents and reports maintained for certification
purposes; ~~and.~~

12 ~~(9) --- Criminal --- history --- record --- information --- obtained
14 pursuant to section 6103.~~

16 **Sec. 2. 20-A MRSA §6103**, as amended PL 1999, c. 35, §§1 and 2
and c. 110, §§1 and 2, is repealed.

18 **Sec. 3. 20-A MRSA §13011, sub-§1, ¶D**, as repealed and replaced
20 by PL 1997, c. 683, Pt. A, §11, is amended to read:

22 D. Seek a revocation of a certificate or authorization in
the Administrative Court; and

24 **Sec. 4. 20-A MRSA §13011, sub-§1, ¶E**, as amended by PL 1997,
26 c. 452, §5, is further amended to read:

28 E. Certify or authorize personnel who provide early
30 childhood educational programs or developmental therapy to
children with disabilities from birth to under 9 years of
32 age in the home, in community-based special purpose and
integrated programs and in public schools; ~~and.~~

34 **Sec. 5. 20-A MRSA §13011, sub-§1, ¶F**, as enacted by PL 1997,
c. 452, §6, is repealed.

36 **Sec. 6. 20-A MRSA §13011, sub-§8**, as enacted by PL 1997, c.
38 452, §7, is repealed.

40 **Sec. 7. 25 MRSA §1542-A, sub-§1, ¶F**, as amended by PL 1999, c.
260, Pt. B, §6 and affected by §18, is further amended to read:

42 F. Whose fingerprints have been ordered by a court; or

44 **Sec. 8. 25 MRSA §1542-A, sub-§1, ¶G**, as enacted by PL 1999, c.
46 110, §6 and as amended by c. 260, Pt. B, §7 and affected by §18,
is repealed.

48 **Sec. 9. 25 MRSA §1542-A, sub-§3, ¶F**, as enacted by PL 1999, c.
50 110, §7, is repealed.

Sec. 10. 25 MRSA §1542-A, sub-§4, as enacted by PL 1999, c. 110, §8, is amended to read:

4. Duty to submit to State Bureau of Identification. It is the duty of the law enforcement agency taking the fingerprints as required by subsection 3, paragraphs A and B to transmit forthwith to the State Bureau of Identification the criminal fingerprint record. Fingerprints taken pursuant to subsection 1, paragraph C, D, E or F or pursuant to subsection 5 may not be submitted to the State Bureau of Identification unless an express request is made by the commanding officer of the State Bureau of Identification. Fingerprints taken pursuant to subsection 1, paragraph C 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 shall retain the fingerprints, except as provided under Title 20-A, section 6103, subsection 9.

Sec. 11. 25 MRSA §1542-A, sub-§4, as amended by PL 1999, c. 260, Pt. B, §12 and affected by §18, is further amended to read:

4. Duty to submit to State Bureau of Identification. It is the duty of the law enforcement agency taking the fingerprints as required by subsection 3, paragraphs A, B and G to transmit forthwith to the State Bureau of Identification the criminal fingerprint record. Fingerprints taken pursuant to subsection 1, paragraph C, D, E or F or pursuant to subsection 5 may not be submitted to the State Bureau of Identification unless an express 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 shall retain the fingerprints, except as provided under Title 20-A, section 6103, subsection 9.

Sec. 12. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

2000-01

PUBLIC SAFETY, DEPARTMENT OF

Bureau of State Police

All Other

(\$392,000)

2 Deallocates funds that are no longer
3 necessary to reflect the cost of background
4 checks and fingerprinting.

6 **Sec. 13. Effective date.** That section of this Act that amends
7 the Maine Revised Statutes, Title 25, section 1542-A, subsection
8 1, paragraph F takes effect September 1, 2000. That section of
9 this Act that amends Title 25, section 1542-A, subsection 4, as
10 amended by Public Law 1999, chapter 260, Part B, section 12,
11 takes effect September 1, 2000.'

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FISCAL NOTE

16 This amendment eliminates the General Fund cost of the bill
17 by \$901,130 in fiscal year 2000-01 and all future costs.

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SUMMARY

24 This amendment repeals the requirement that school employees
25 be subjected to criminal history records checks as part of their
26 initial application or renewal application to be certified,
27 authorized or approved by the Department of Education. It
28 repeals all references to criminal history records checks in the
29 Maine Revised Statutes, Title 20-A, including the approval
30 category established for the purpose of conducting criminal
31 history records checks for educational personnel not subject to
32 certification and authorization requirements under chapters 501
33 and 502. The amendment also repeals all references to criminal
34 history records checks for educational personnel in Title 25.

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SPONSORED BY: *Joanne Twomey*
(Representative TWOMEY)

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TOWN: Biddeford

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