

# MAINE STATE LEGISLATURE

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DATE: 4-12-00

(Filing No. H-1118)

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

HOUSE AMENDMENT "B" to COMMITTEE AMENDMENT "B" 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;

**HOUSE AMENDMENT**

2 (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;

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

8 (7) Social security number; and

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

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

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and c. 110, §§1 and 2, is repealed.

20 **Sec. 3. 20-A MRSA §13011, sub-§1, ¶D**, as repealed and replaced  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

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

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

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

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c. 452, §6, is repealed.

38 **Sec. 6. 20-A MRSA §13011, sub-§8**, as enacted by PL 1997, c.  
40 452, §7, is repealed.

42 **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:

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

46 **Sec. 8. 25 MRSA §1542-A, sub-§1, ¶G**, as enacted by PL 1999, c.  
48 110, §6 and as amended by c. 260, Pt. B, §7 and affected by §18,  
is repealed.

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2           **Sec. 9. 25 MRSA §1542-A, sub-§3, ¶F**, as enacted by PL 1999, c. 110, §7, is repealed.

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

6           **4. Duty to submit to State Bureau of Identification.** It is  
8 the duty of the law enforcement agency taking the fingerprints as  
10 required by subsection 3, paragraphs A and B to transmit  
12 forthwith to the State Bureau of Identification the criminal  
14 fingerprint record. Fingerprints taken pursuant to subsection 1,  
16 paragraph C, D, E or F or pursuant to subsection 5 may not be  
18 submitted to the State Bureau of Identification unless an express  
20 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.~~

22           **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:

24           **4. Duty to submit to State Bureau of Identification.** It is  
26 the duty of the law enforcement agency taking the fingerprints as  
28 required by subsection 3, paragraphs A, B and G to transmit  
30 forthwith to the State Bureau of Identification the criminal  
32 fingerprint record. Fingerprints taken pursuant to subsection 1,  
34 paragraph C, D, E or F or pursuant to subsection 5 may not be  
submitted to the State Bureau of Identification unless an express  
36 request is made by the commanding officer of the State Bureau of  
38 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.~~

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

2000-01

44           **PUBLIC SAFETY, DEPARTMENT OF**  
46           **Bureau of State Police**  
48

# HOUSE AMENDMENT

All Other (\$392,000)

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

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

### FISCAL NOTE

This amendment eliminates the General Fund cost of the bill  
by \$478,342 in fiscal year 2000-01 and all future costs.

### SUMMARY

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

SPONSORED BY: *Joanne Twomey*  
(Representative TWOMEY)

TOWN: Biddeford