

MAINE STATE LEGISLATURE

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EDUCATION AND CULTURAL AFFAIRS

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

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

Amend the bill by striking out everything after the enacting clause 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;

COMMITTEE 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 and c. 110, §§1 and 2, is repealed.

18 **Sec. 3. 20-A MRSA §13011, sub-§1, ¶D**, as repealed and replaced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
 childhood educational programs or developmental therapy to
 30 children with disabilities from birth to under 9 years of
 age in the home, in community-based special purpose and
 integrated programs and in public schools; ~~and.~~

32 **Sec. 5. 20-A MRSA §13011, sub-§1, ¶F**, as enacted by PL 1997,
 34 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.
 110, §6 and as amended by c. 260, Pt. B, §7 and affected by §18,
 46 is repealed.

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 110, §7, is repealed.

50

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

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

20 **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:

22 **4. Duty to submit to State Bureau of Identification.** It is
24 the duty of the law enforcement agency taking the fingerprints as
26 required by subsection 3, paragraphs A, B and G to transmit
28 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.~~

36 **Sec. 12. 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)

AMS

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

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

14 Further amend the bill by inserting at the end before the
summary the following:

16 **FISCAL NOTE**

18 **2000-01**

20 **APPROPRIATIONS/ALLOCATIONS**

22 Other Funds (\$392,000)

24 **REVENUES**

26 Other Funds (\$392,000)

30 This bill includes an Other Special Revenue funds
32 deallocation of \$392,000 in fiscal year 2000-01 for the Bureau of
State Police within the Department of Public Safety to reflect
34 the repeal of the requirement that certain school employees must
pay for the costs of a background check and fingerprinting. The
36 repeal of this requirement also results in a corresponding loss
of dedicated revenue collected by the department from fees
38 charged for background checks and fingerprinting.'

40 **SUMMARY**

JOB
Report "C"

42 This is one of 2 minority reports of the Joint Standing
44 Committee on Education and Cultural Affairs. This amendment
repeals the requirement that school employees be subjected to
46 criminal history records checks as part of their initial
application or renewal application to be certified, authorized or
48 approved by the Department of Education. It repeals all
references to criminal history records checks in the Maine

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2 Revised Statutes, Title 20-A, including the approval category
3 established for the purpose of conducting criminal history
4 records checks for educational personnel not subject to
5 certification and authorization requirements under chapters 501
6 and 502. The amendment also repeals all references to criminal
history records checks for educational personnel in Title 25.

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