

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "I" to COMMITTEE AMENDMENT "A" to H.P. 256, L.D. 300, Bill, "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2002 and June 30, 2003"

Amend the amendment by inserting after Part Y the following:

PART Z

Sec. Z-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;

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. Z-2. 20-A MRSA §6103**, as amended by PL 1999, c. 791, §§1
to 4, is repealed.

18 **Sec. Z-3. 20-A MRSA §13011, sub-§1, ¶D**, as repealed and
20 replaced by PL 1997, c. 683, Pt. A, §11 and amended by PL 1999,
c. 547, Pt. B, §78 and affected by §80, is further amended to
22 read:

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

26 **Sec. Z-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
34 age in the home, in community-based special purpose and
integrated programs and in public schools; ~~and~~.

36 **Sec. Z-5. 20-A MRSA §13011, sub-§1, ¶F**, as repealed and
replaced by PL 1999, c. 791, §5, is repealed.

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40 452, §7, is repealed.

42 **Sec. Z-7. 25 MRSA §1541, sub-§8**, as enacted by PL 1999, c.
791, §6, is repealed.

44 **Sec. Z-8. 25 MRSA §1542-A, sub-§1, ¶F**, as amended by PL 1999,
46 c. 260, Pt. B, §6 and affected by §18, is further amended to read:

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

2 **Sec. Z-9. 25 MRSA §1542-A, sub-§1, ¶G**, as amended by PL 1999,
c. 260, Pt. B, §7 and affected by §18, is repealed.

4 **Sec. Z-10. 25 MRSA §1542-A, sub-§2**, as amended by PL 1999, c.
6 260, Pt. B, §9 and affected by §18, is further amended to read:

8 **2. Palm prints, footprints and photographs.** Whenever
fingerprints are to be taken pursuant to subsection 1, paragraph
A, or B ~~or~~ C, palm prints, footprints and photographs may also be
10 taken. Whenever palm prints, footprints or photographs are
ordered to be obtained pursuant to subsection 1, paragraph C, D
12 or F or are sought pursuant to paragraph E, the palm prints,
footprints or photographs must be taken.

14 **Sec. Z-11. 25 MRSA §1542-A, sub-§3, ¶F**, as enacted by PL 1999,
16 c. 110, §7, is repealed.

18 **Sec. Z-12. 25 MRSA §1542-A, sub-§4**, as amended by PL 1999, c.
20 791, §7, is further amended to read:

22 **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
24 immediately to the State Bureau of Identification the criminal
fingerprint record. Fingerprints taken pursuant to subsection 1,
26 paragraph C, D, E or F or pursuant to subsection 5 may not be
submitted to the State Bureau of Identification unless an express
28 request is made by the commanding officer of the State Bureau of
Identification. ~~Fingerprints taken pursuant to subsection 1,
30 paragraph C must be transmitted immediately to the State Bureau
of Identification to enable the bureau to conduct state and
32 national criminal history record checks for the Department of
Education. The bureau may not use the fingerprints for any
34 purpose other than that provided for under Title 20-A, section
6103. The bureau shall retain the fingerprints, except as
36 provided under Title 20-A, section 6103, subsection 9.~~

38 **Sec. Z-13. 25 MRSA §1542-A, sub-§8**, as amended by PL 1999, c.
40 260, Pt. B, §16 and affected by §18, is further amended to read:

42 **8. Fingerprint record forms.** Fingerprints taken pursuant to
subsection 1, paragraphs paragraph A, paragraph B as to a person
44 arrested as a fugitive from justice and paragraph D and
subsection 5, paragraphs B, C and D must be taken on a form
46 furnished by the State Bureau of Identification, such form to be
known as the Criminal Fingerprint Record. Fingerprints taken
48 pursuant to subsection 1, paragraphs E, and F ~~and~~ G must be taken
on a form furnished by the bureau, such form to be known as the
Noncriminal Fingerprint Record. Fingerprints taken pursuant to

subsection 1, paragraphs paragraph B as to a person taken into custody for a juvenile crime pursuant to a uniform interstate compact on juveniles and paragraph H must be taken on a form furnished by the State Bureau of Identification, such form to be known as the Juvenile Crime Fingerprint Record. Fingerprints taken pursuant to subsection 1, paragraph C or F must be taken upon the form appropriate for that purpose.

Sec. Z-14. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Part.

PUBLIC SAFETY, DEPARTMENT OF

**Fingerprint and Background
Information - State Expense**

General Fund	2001-02	2002-03
All Other	(\$611,000)	(\$289,000)
Deappropriates funds for the fingerprinting and background checks of teachers and educational personnel.'		

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

FISCAL NOTE

This amendment will decrease the General Fund cost of the bill by \$611,000 in fiscal year 2001-02 and \$289,000 in fiscal year 2002-03. Based on the estimated year-ending balances, this amendment maintains a balanced General Fund balance.

SUMMARY

This amendment repeals the law requiring background checks and fingerprinting of school employees. This amendment also corrects cross-references to the repealed provisions.

HOUSE AMENDMENT "I" to COMMITTEE AMENDMENT "A" to H.P. 256, L.D.
300

2 This amendment also removes funding for the fingerprinting
and background checks of teachers and educational personnel.

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6 SPONSORED BY: Joanne Twomey
(Representative TWOMEY)

8 TOWN: Biddeford
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