

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1090

S.P. 322

In Senate, February 22, 2001

An Act to Repeal the Requirement that School Employees be Fingerprinted.

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator DAVIS of Piscataquis.
Cosponsored by Representative WATERHOUSE of Bridgton and
President MICHAUD of Penobscot, President Pro Tem BENNETT of Oxford, Senators
KNEELAND of Aroostook, SAVAGE of Knox, Representatives: PARADIS of Frenchville,
CARR of Lincoln, McNEIL of Rockland, MENDROS of Lewiston, MURPHY of Kennebunk,
TWOMEY of Biddeford.

Be it enacted by the People of the State of Maine as follows:

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

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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:

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(1) All information, working papers and examinations used in the examination or evaluation of all applicants for employment;

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(2) Medical information of any kind, including information pertaining to diagnosis or treatment of mental or emotional disorders;

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(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;

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(4) Credit information;

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(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;

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

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(7) Social security number; and

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

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

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

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Sec. 3. 20-A MRSA §13011, sub-§1, ¶D, as repealed and 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 read:

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

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

8 E. Certify or authorize personnel who provide early
10 childhood educational programs or developmental therapy to
12 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~~.

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

16 **Sec. 6. 20-A MRSA §13011, sub-§8**, as enacted by PL 1997, c.
18 452, §7, is repealed.

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

22 **Sec. 8. 25 MRSA §1542-A, sub-§1, ¶F**, as amended by PL 1999, c.
24 260, Pt. B, §6 and affected by §18, is further amended to read:

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

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

30 **Sec. 10. 25 MRSA §1542-A, sub-§2**, as amended by PL 1999, c.
32 260, Pt. B, §9 and affected by §18, is further amended to read:

34 **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
36 taken. Whenever palm prints, footprints or photographs are
ordered to be obtained pursuant to subsection 1, paragraph C, D
38 or F or are sought pursuant to paragraph E, the palm prints,
footprints or photographs must be taken.

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

44 **Sec. 12. 25 MRSA §1542-A, sub-§4**, as amended by PL 1999, c.
46 791, §7, is further amended to read:

48 **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
50 immediately to the State Bureau of Identification the criminal

2 fingerprint record. Fingerprints taken pursuant to subsection 1,
3 paragraph C, D, E or F or pursuant to subsection 5 may not be
4 submitted to the State Bureau of Identification unless an express
5 request is made by the commanding officer of the State Bureau of
6 Identification. ~~Fingerprints taken pursuant to subsection 1,
7 paragraph G must be transmitted immediately to the State Bureau
8 of Identification to enable the bureau to conduct state and
9 national criminal history record checks for the Department of
10 Education. The bureau may not use the fingerprints for any
11 purpose other than that provided for under Title 20-A, section
12 6103. The bureau shall retain the fingerprints, except as
13 provided under Title 20-A, section 6103, subsection 9.~~

14 **Sec. 13. 25 MRSA §1542-A, sub-§8**, as amended by PL 1999, c.
15 260, Pt. B, §16 and affected by §18, is further amended to read:

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17 **8. Fingerprint record forms.** Fingerprints taken pursuant to
18 subsection 1, ~~paragraphs~~ paragraph A, paragraph B as to a person
19 arrested as a fugitive from justice and paragraph D and
20 subsection 5, paragraphs B, C and D must be taken on a form
21 furnished by the State Bureau of Identification, such form to be
22 known as the Criminal Fingerprint Record. Fingerprints taken
23 pursuant to subsection 1, paragraphs E, and F ~~and G~~ must be taken
24 on a form furnished by the bureau, such form to be known as the
25 Noncriminal Fingerprint Record. Fingerprints taken pursuant to
26 subsection 1, ~~paragraphs~~ paragraph B as to a person taken into
27 custody for a juvenile crime pursuant to a uniform interstate
28 compact on juveniles and paragraph H must be taken on a form
29 furnished by the State Bureau of Identification, such form to be
30 known as the Juvenile Crime Fingerprint Record. Fingerprints
31 taken pursuant to subsection 1, paragraph C or F must be taken
32 upon the form appropriate for that purpose.

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35 **SUMMARY**

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