

MAINE STATE LEGISLATURE

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DATE: 5-22-01

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

HOUSE AMENDMENT "A" to H.P. 1295, L.D. 1765, Bill, "An Act to Authorize Release of Certain Information Pertaining to the Certification, Authorization and Approval of Educational Personnel"

Amend the bill by striking out the title and substituting the following:

'An Act to Repeal Requirements Pertaining to the Certification, Authorization and Approval of Educational Personnel'

Further amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

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

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

- 2 or adequacy of the employee's work or general character
compiled and maintained for employment purposes;
- 4 (4) Credit information;
- 6 (5) Except as provided by subsection 1, the personal
8 history, general character or conduct of the employee
or any member of the employee's immediate family;
- 10 (6) Complaints, charges of misconduct, replies to
12 complaints and charges of misconduct and memoranda and
other materials pertaining to disciplinary action;
- 14 (7) Social security number; and
- 16 (8) The teacher action plan and support system
18 documents and reports maintained for certification
purposes; ~~and.~~
- 20 ~~(9) Criminal history record information obtained
22 pursuant to section 6103.~~

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to 4, is repealed.

26 **Sec. 3. 20-A MRSA §13011, sub-§1, ¶D**, as repealed and replaced
28 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:

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

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

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

42 **Sec. 5. 20-A MRSA §13011, sub-§1, ¶F**, as repealed and replaced
44 by PL 1999, c. 791, §5, is repealed.

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452, §7, is repealed.

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

2 **Sec. 8. 25 MRSA §1542-A, sub-§1, ¶G**, as amended by PL 2001, c.
52, §4, is repealed.

4 **Sec. 9. 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
10 fingerprints are to be taken pursuant to subsection 1, paragraph
A, or B or G, palm prints, footprints and photographs may also be
12 taken. Whenever palm prints, footprints or photographs are
ordered to be obtained pursuant to subsection 1, paragraph C, D
14 or F or are sought pursuant to paragraph E, the palm prints,
footprints or photographs must be taken.

16 **Sec. 10. 25 MRSA §1542-A, sub-§3, ¶F**, as enacted by PL 1999,
c. 110, §7, is repealed.

18 **Sec. 11. 25 MRSA §1542-A, sub-§4**, as amended by PL 2001, c.
20 52, §8, 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
required by subsection 3, paragraphs A, B and G to transmit
26 immediately to the State Bureau of Identification the criminal
fingerprint record. Fingerprints taken pursuant to subsection 1,
28 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
30 Identification. ~~Fingerprints taken pursuant to subsection 1,
paragraph G must be transmitted immediately to the State Bureau
32 of Identification to enable the bureau to conduct state and
national criminal history record checks for the Department of
34 Education. The bureau may not use the fingerprints for any
purpose other than that provided for under Title 20-A, section
36 6103. The bureau shall retain the fingerprints, except as
provided under Title 20-A, section 6103, subsection 9.~~
38 Fingerprints taken pursuant to subsection 1, paragraph I must be
transmitted immediately to the State Bureau of Identification to
40 enable the bureau to conduct state and national criminal history
record checks for the court.

42 **Sec. 12. 25 MRSA §1542-A, sub-§8**, as amended by PL 1999, c.
44 260, Pt. B, §16 and affected by §18, is further amended to read:

46 **8. Fingerprint record forms.** Fingerprints taken pursuant to
subsection 1, paragraphs paragraph A, paragraph B as to a person
48 arrested as a fugitive from justice and paragraph D and
subsection 5, paragraphs B, C and D must be taken on a form
50 furnished by the State Bureau of Identification, such form to be

known as the Criminal Fingerprint Record. Fingerprints taken 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. 13. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

2001-02

PUBLIC SAFETY, DEPARTMENT OF

Fingerprint and Background Information - State Expense

All Other (\$900,000)

Deappropriates funds to reflect the repeal of the fingerprinting and background checks requirement for teachers and educational personnel.'

FISCAL NOTE

APPROPRIATIONS/ALLOCATIONS

2001-02

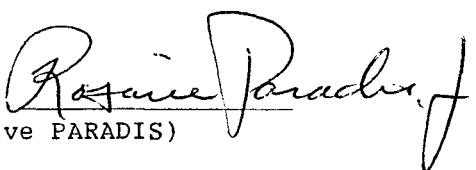
General Fund (\$900,000)

The Governor's proposed "current services" budget includes \$900,000 in fiscal year 2001-02 for the Fingerprint and Background Information - State Expense program within the Department of Public Safety. This amendment includes a General Fund deappropriation of \$900,000 in fiscal year 2001-02 for the Fingerprint and Background Information - State Expense program to reflect the repeal of the fingerprinting requirement for school employees.

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SUMMARY

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

SPONSORED BY: 
(Representative PARADIS)

TOWN: Frenchville