

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)



# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

---

Legislative Document

No. 1765

---

H.P. 1295

House of Representatives, April 3, 2001

**An Act to Authorize Release of Certain Information Pertaining to the  
Certification, Authorization and Approval of Educational Personnel.**

(EMERGENCY)

---

Reported by Representative RICHARD for the Joint Standing Committee on Education  
and Cultural Affairs pursuant to 2001 Joint Order, H.P. 1143.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

2           **Emergency preamble.** Whereas, Acts of the Legislature do not  
become effective until 90 days after adjournment unless enacted  
as emergencies; and

4  
6           **Whereas,** during the First Special Session of the 118th  
Legislature, the Legislature enacted provisions regarding the  
confidentiality of information gathered pursuant to criminal  
8 history record checks of educational personnel; and

10           **Whereas,** the confidentiality provisions prohibit the  
release of all information, including general information; and

12  
14           **Whereas,** access to general statistical information is  
necessary for the Legislature to evaluate the effectiveness of  
the criminal history record program for educational personnel;  
16 and

18           **Whereas,** in the judgment of the Legislature, these facts  
create an emergency within the meaning of the Constitution of  
20 Maine and require the following legislation as immediately  
necessary for the preservation of the public peace, health and  
22 safety; now, therefore,

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

26           **Sec. 1. 20-A MRSA §6103, sub-§3,** as amended by PL 1997, c.  
452, §3, is further amended to read:

28  
30           **3. Confidentiality.** Any Except as provided in subsection  
32 3-A, any information obtained pursuant to this section is  
confidential. The results of criminal history record checks  
received by the commissioner are for official use only and may  
not be disseminated outside the department except as provided in  
34 subsection 3-A.

36           **Sec. 2. 20-A MRSA §6103, sub-§3-A** is enacted to read:

38           **3-A. Statistical information.** Statistics and other  
information described in this subsection are public information.  
40 Dissemination of statistics and other information pursuant to  
this subsection must be made in a manner that preserves the  
42 confidentiality of the information contained in the criminal  
history records provided to the commissioner from which these  
44 statistics are drawn. Statistics and information may be  
disseminated as follows:

46           **A. From the Maine State Police:**

48                   (1) Information explaining the process used by the  
50 Maine State Police in conducting fingerprinting and

2 state and national criminal history record checks for  
3 the department;

4 (2) The number of fingerprints and criminal history  
5 record checks projected to be processed by the Maine  
6 State Police in each 5-year licensing cycle, consistent  
7 with the phase-in described in subsection 4-A; and

8  
9 (3) The number of educational personnel applicants who  
10 have been fingerprinted, the number of criminal history  
11 record checks completed by the Maine State Police and  
12 the number of criminal history record checks being  
13 processed by the Maine State Police; and

14  
15 **B. From the commissioner:**

16  
17 (1) Information explaining the process used by the  
18 commissioner in reviewing criminal history record  
19 checks, in applying the statutory standards for  
20 potential disqualification and in determining  
21 appropriate agency action;

22  
23 (2) The number of applications for certification,  
24 authorization, approval and renewal processed by or  
25 pending with the department;

26  
27 (3) The number of applications for certification,  
28 authorization, approval and renewal projected to be  
29 processed by the department in each 5-year licensing  
30 cycle, consistent with the phase-in described in  
31 subsection 4-A; and

32  
33 (4) The aggregate number of individuals for whom the  
34 commissioner denied, refused to renew, revoked or  
35 suspended a certificate, authorization or approval, or  
36 determined to be ineligible for employment based on the  
37 results of a criminal history record check.

38  
39 **Sec. 3. Dissemination of conviction data for fiscal year 2000-01.**

40 Notwithstanding the Maine Revised Statutes, Title 20-A, section  
41 6103, subsection 3 and for fiscal year 2000-01 only, the Maine  
42 State Police may disseminate the number of individuals for whom  
43 criminal history records that contain a record of conviction data  
44 were provided to the Commissioner of Education following the  
45 completion of processing criminal history record checks during  
46 fiscal years 1999-00 and 2000-01 pursuant to Title 20-A, section  
47 6103.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

## SUMMARY

This bill is reported from the Joint Standing Committee on Education and Cultural Affairs pursuant to 2001 Joint Order, House Paper 1143.

This bill authorizes the Maine State Police and the Commissioner of Education to release certain general information relating to the fingerprinting and criminal history record checks of educational personnel. The bill provides an exception for the following information from the confidentiality provision established for the criminal history record checks of educational personnel:

1. Information explaining the process used by the Maine State Police for fingerprinting and conducting criminal history record checks;

2. Statistics and information on the number of persons fingerprinted and the number of criminal history record checks completed, being processed and projected to be completed in each 5-year licensing cycle;

3. Information explaining the process used by the Department of Education for reviewing criminal history record checks, applying the statutory standard for disqualification and determining appropriate agency action;

4. Statistics and information on the number of applications for certification, authorization and approval processed by or pending with the Department of Education and the number projected to be processed in each 5-year licensing cycle; and

5. Aggregate statistics and aggregate information on the number of individuals for whom the Commissioner of Education denied, refused to renew, revoked or suspended a certificate, authorization or approval, or determined to be ineligible for employment based on the results of a criminal history record check.

The bill further requires that the dissemination of statistics and other information must be made in a manner that preserves the confidentiality of the information contained in the criminal history records provided to the Commissioner of Education from which these statistics are drawn. Finally, the bill allows the Maine State Police, for fiscal year 2000-01 only,

2 to disseminate the number of criminal history records that  
3 contain a record of conviction data and were provided to the  
4 Commissioner of Education following the completion of processing  
criminal history record checks during fiscal years 1999-00 and  
2000-01.