

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 653

H.P. 483

House of Representatives, February 11, 2003

An Act To Repeal the Fingerprinting Requirement for Teachers and School Employees

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative DAVIS of Falmouth.

Cosponsored by Representatives: FINCH of Fairfield, PARADIS of Frenchville,
Senator CATHCART of Penobscot and

Representatives: ANNIS of Dover-Foxcroft, HUTTON of Bowdoinham, NORTON of Bangor,
SNOWE-MELLO of Poland, TRAHAN of Waldoboro, TWOMEY of Biddeford, Senators:
DAVIS of Piscataquis, HALL of Lincoln.

2
3 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 20-A MRSA §6101, sub-§2, ¶B,** as amended by PL 1995, c.
5 547, §4, is further amended to read:

6 B. Except as provided in paragraph A, information in any
7 form relating to an employee or applicant for employment, or
8 to the employee's immediate family, must be kept
9 confidential if it relates to the following:

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

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

16 (3) Performance evaluations, personal references and
17 other reports and evaluations reflecting on the quality
18 or adequacy of the employee's work or general character
19 compiled and maintained for employment purposes;

20 (4) Credit information;

21 (5) Except as provided by subsection 1, the personal
22 history, general character or conduct of the employee
23 or any member of the employee's immediate family;

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

27 (7) Social security number; and

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

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

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34 to 4, is repealed.

35 **Sec. 3. 20-A MRSA §13011, sub-§1, ¶D,** as repealed and replaced
36 by PL 1997, c. 683, Pt. A, §11 and amended by PL 1999, c. 547,
37 Pt. B, §78 and affected by §80, is further amended to read:
38

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,
c. 452, §5, is further amended to read:

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

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

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

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

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

24 **Sec. 9. 25 MRSA §1542-A, sub-§2**, as amended by PL 1999, c.
26 260, Pt. B, §9 and affected by §18, is further amended to read:

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

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

38 **Sec. 11. 25 MRSA §1542-A, sub-§4**, as amended by PL 2001, c.
40 52, §8, is further amended to read:

42 **4. Duty to submit to State Bureau of Identification.** It is
the duty of the law enforcement agency taking the fingerprints as
44 required by subsection 3, paragraphs A, B and G to transmit
immediately to the State Bureau of Identification the criminal
46 fingerprint record. Fingerprints taken pursuant to subsection 1,
paragraph C, D, E or F or pursuant to subsection 5 may not be
48 submitted to the State Bureau of Identification unless an express
request is made by the commanding officer of the State Bureau of
50 Identification. ~~Fingerprints--taken--pursuant--to--subsection--1,~~

2 paragraph G must be transmitted immediately to the State Bureau
of Identification to enable the bureau to conduct state and
4 national criminal history record checks for the Department of
Education. The bureau may not use the fingerprints for any
6 purpose other than that provided for under Title 20-A, section
6103. The bureau shall retain the fingerprints, except as
8 provided under Title 20-A, section 6103, subsection 9.
Fingerprints taken pursuant to subsection 1, paragraph I must be
transmitted immediately to the State Bureau of Identification to
10 enable the bureau to conduct state and national criminal history
record checks for the court.

12 **Sec. 12. 25 MRSA §1542-A, sub-§8,** as amended by PL 1999, c.
14 260, Pt. B, §16 and affected by §18, is further amended to read:

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

34 SUMMARY

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