

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2006

Legislative Document

No. 1745

S.P. 662

In Senate, December 30, 2005

An Act To Provide State Funding for the Fingerprinting of School Personnel

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Secretary of the Senate on December 28, 2005. Referred to the Committee on Education and Cultural Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator COURTNEY of York.
Cosponsored by Representative CAMPBELL of Newfield and
Senators: ANDREWS of York, SULLIVAN of York, Representatives: BABBIDGE of
Kennebunk, BEAUDETTE of Biddeford, HOGAN of Old Orchard Beach, JACOBSEN of
Waterboro, McCORMICK of West Gardiner, TRAHAN of Waldoboro.

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

2
4 **Sec. 1. 20-A MRSA §6103, sub-§3-A**, as enacted by PL 2005, c. 457, Pt. CC, §1, is repealed.

6 **Sec. 2. 20-A MRSA §6103, sub-§4**, as repealed by PL 2005, c. 457, Pt. CC, §2, is reenacted to read:

8
10 **4. Expenses.** The expense of obtaining the information required by this section must be paid by the State.

12 **Sec. 3. 20-A MRSA §6103, sub-§6**, as amended by PL 2005, c. 457, Pt. CC, §3, is further amended to read:

14
16 **6. Fingerprinting.** The applicant shall submit to having fingerprints taken. The Maine State Police, upon payment by the applicant or any other entity required by law of the expenses specified in subsection 3-A 4, shall take or cause to be taken the applicant's fingerprints and shall forward the fingerprints to the State Bureau of Identification so that the bureau can conduct state and national criminal history record checks. Except for the portion of the payment, if any, that constitutes the processing fee charged by the Federal Bureau of Investigation, all money received by the Maine State Police for purposes of this section must be paid over to the Treasurer of State ~~for deposit in accordance with Title 20-A, section 6103, subsection 10.~~

28 **Sec. 4. 20-A MRSA §6103, sub-§10**, as enacted by PL 2005, c. 457, Pt. CC, §4, is amended to read:

32 **10. Criminal History Record Check Fund.** The Criminal History Record Check Fund is created as a dedicated fund within the Department of Education for the deposit of any fees collected pursuant to subsection 3-A 4. The purpose of the fund is to reimburse the Department of Public Safety, State Bureau of Identification for the cost of conducting the fingerprinting and needed state and national criminal history record checks pursuant to this section. The fund may not lapse, but must be carried forward to carry out the purposes of this chapter.

42 **Sec. 5. 25 MRSA §1542-A, sub-§3, ¶F**, as amended by PL 2005, c. 457, Pt. CC, §5, is further amended to read:

44
46 F. The Maine State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph G, at the request of that person and upon payment of the expenses specified under Title 20-A, section 6103, subsection 3-A 4.

Sec. 6. Reimbursement of payment for certification, authorization or approval. The Commissioner of Public Safety, upon receipt of proof determined to be adequate by the commissioner, shall reimburse amounts paid by those persons, including individuals or organizations placed under contract by a school, schools or school administrative units, who, prior to the effective date of this Act, have paid for the fingerprinting and conducting of the needed state and national criminal history record checks by the Department of Public Safety, Bureau of State Police, State Bureau of Identification, as required by the Maine Revised Statutes, Title 20-A, section 6103.

SUMMARY

This bill requires the State to pay for fingerprinting of school personnel. The bill also requires the State to reimburse those who have been fingerprinted and have paid for the fingerprinting.