MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

An Act To Provide State Funding for Fingerprinting of Educational Personnel

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

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator COURTNEY of York.
Cosponsored by Representative CEBRA of Naples and
Representatives: BARSTOW of Gorham, BROWNE of Vassalboro, CAMPBELL of Newfield, DUPREY of Hampden, JACOBSEN of Waterboro, McKANE of Newcastle, THOMAS of Ripley, TUTTLE of Sanford.

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

2   **Sec. 1. 20-A MRSA §6103, sub-§3-A,** as amended by PL 2005, c. 519, Pt. I, §1,
3   is repealed.

4   **Sec. 2. 20-A MRSA §6103, sub-§4,** as repealed by PL 2005, c. 457, Pt.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

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

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

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

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

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

28   **Sec. 5. 25 MRSA §1542-A, sub-§3, ¶F,** as amended by PL 2005, c. 457, Pt. CC,
29   §5, is further amended to read:

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

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

1   **SUMMARY**

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