

MAINE STATE LEGISLATURE

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Minority

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Date: 6/6/11

Minority

L.D. 296
(Filing No. H-529)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "B" to H.P. 240, L.D. 296, Bill, "An Act To Find Cost Savings and Efficiencies in the Fingerprinting System for Criminal History Background Checks"

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

'An Act To Allow Sheriffs To Take Fingerprints of Teachers or Educational Personnel for Criminal History Background Checks'

Amend the bill by striking out all of section 1 (page 1, lines 2 to 13 in L.D.) and inserting the following:

'Sec. 1. 20-A MRSA §6103, sub-§6, as amended by PL 2005, c. 457, Pt. CC, §3, is further amended to read:

6. Fingerprinting. The applicant shall submit to having fingerprints taken. The Maine State Police shall, or the sheriff of the county in which the applicant resides may, if the sheriff has the technology and equipment to do so, upon payment by the applicant or any other entity required by law of the expenses specified in subsection 3-A, ~~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 or the sheriffs 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.'

Amend the bill in section 2 in subsection 10 in the 6th and 7th lines (page 1, lines 21 and 22 in L.D.) by striking out the following: "and chiefs of police in each of the cities and towns"

Amend the bill by striking out all of sections 3 to 5 (page 1, lines 25 to 34 in L.D.)

Amend the bill in section 6 by striking out all of paragraph F (page 1, lines 37 and 38 and page 2, lines 1 and 2 in L.D.) and inserting the following:

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "B" to H.P. 240, L.D. 296

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

5 Amend the bill by striking out all of section 7 (page 2, lines 3 to 7 in L.D.)

6 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
7 section number to read consecutively.

8 **SUMMARY**

9 This amendment is the minority report and allows the fingerprints of a teacher or an
10 educational personnel applicant pursuant to the Maine Revised Statutes, Title 20-A,
11 section 6103 to be taken by a sheriff if the sheriff has the technology and equipment to do
12 so. The amendment specifies that the sheriffs be reimbursed from the Criminal History
13 Record Check Fund for the expenses they incur in fingerprinting a teacher or educational
14 personnel applicant.

FISCAL NOTE REQUIRED
(See Attached)



Approved: 06/03/11 *mac*

125th MAINE LEGISLATURE

LD 296

LR 760(03)

An Act To Find Cost Savings and Efficiencies in the Fingerprinting System for Criminal History Background Checks

Fiscal Note for Bill as Amended by Committee Amendment "B"

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

Fiscal Note

Potential current biennium cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

Allowing the fingerprints of a teacher or an educational personnel applicant to be taken by a sheriff under certain conditions may result in increased costs to the Criminal History Record Check Fund within the Department of Education. The amount can not be determined at this time and will depend on whether the amount charged by sheriffs significantly exceeds the current fee assessed to applicants pursuant to Title 20-A, §6103, sub-§3-A. The ability of the fund to absorb the increased costs without an increase in applicant fees can not be determined at this time.