

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 296

H.P. 240

House of Representatives, February 3, 2011

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

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative PRESCOTT of Topsham.
Cosponsored by Senator GERZOFSKY of Cumberland and
Representatives: CEBRA of Naples, GIFFORD of Lincoln, HAMPER of Oxford, KNIGHT of
Livermore Falls, McKANE of Newcastle, MORISSETTE of Winslow, PLUMMER of
Windham, SANDERSON of Chelsea.

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

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

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

14 **Sec. 2. 20-A MRSA §6103, sub-§10**, as enacted by PL 2005, c. 457, Pt. CC, §4,
15 is amended to read:

16 **10. Criminal History Record Check Fund.** The Criminal History Record Check
17 Fund is created as a dedicated fund within the Department of Education for the deposit of
18 any fees collected pursuant to subsection 3-A. The purpose of the fund is to reimburse the
19 Department of Public Safety, State Bureau of Identification for the cost of conducting the
20 fingerprinting and needed state and national criminal history record checks pursuant to
21 this section and to reimburse the sheriffs and chiefs of police in each of the cities and
22 towns for expenses incurred in taking the fingerprints of an applicant pursuant to
23 subsection 6. The fund may not lapse, but must be carried forward to carry out the
24 purposes of this chapter.

25 **Sec. 3. 25 MRSA §1542-A, sub-§1, ¶H**, as amended by PL 2001, c. 52, §5, is
26 further amended to read:

27 H. Charged with the commission of a juvenile crime; ~~or~~

28 **Sec. 4. 25 MRSA §1542-A, sub-§1, ¶I**, as enacted by PL 2001, c. 52, §6, is
29 amended to read:

30 I. Who is a prospective adoptive parent not the biological parent as required under
31 Title 18-A, section 9-304, subsection (a-1); ~~or~~

32 **Sec. 5. 25 MRSA §1542-A, sub-§1, ¶J** is enacted to read:

33 J. Who is an applicant for a license for a family foster home as defined in Title 22,
34 section 8101, subsection 3.

35 **Sec. 6. 25 MRSA §1542-A, sub-§3, ¶F**, as amended by PL 2005, c. 457, Pt. CC,
36 §5, is further amended to read:

37 F. The Maine State Police, the sheriffs and the chiefs of police in each of the cities
38 and towns shall take or cause to be taken the fingerprints of the person named in

1 subsection 1, paragraph G, at the request of that person and upon payment of the
2 expenses specified under Title 20-A, section 6103, subsection 3-A.

3 **Sec. 7. 25 MRSA §1542-A, sub-§3, ¶J** is enacted to read:

4 J. The Maine State Police, the sheriffs and the chiefs of police in each of the cities
5 and towns shall take or cause to be taken the fingerprints of the person named in
6 subsection 1, paragraph J, at the request of that person and upon payment of the
7 expenses associated with taking the fingerprints.

8 **SUMMARY**

9 This bill amends current law to allow the fingerprints of a teacher or an educational
10 personnel applicant pursuant to the Maine Revised Statutes, Title 20-A, section 6103 and
11 an applicant for a license for a family foster home to be taken by the sheriffs and chiefs of
12 police in each of the cities and towns. The bill also requires that the sheriffs and chiefs of
13 police be paid for the expenses they incur in fingerprinting an applicant for a license for a
14 family foster home and be reimbursed from the Criminal History Record Check Fund for
15 the expenses they incur in fingerprinting a teacher or educational personnel applicant.