

# MAINE STATE LEGISLATURE

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SMG  
ROES

L.D. 1707

Date: 3/28/14

(Filing No. S-472)

TAXATION

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STATE OF MAINE

SENATE

126TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 673, L.D. 1707, Bill, "An Act To Amend the State's Tax Laws"

Amend the bill by inserting before section 1 the following:

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

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

**Sec. 2. 25 MRSA §1542-A, sub-§1, ¶I**, as enacted by PL 2001, c. 52, §6, is amended to read:

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

**Sec. 3. 25 MRSA §1542-A, sub-§1, ¶J** is enacted to read:

J. Who has applied for employment with the Department of Administrative and Financial Services, Bureau of Revenue Services and whose fingerprints have been required by the State Tax Assessor pursuant to Title 36, section 194-B.

**Sec. 4. 25 MRSA §1542-A, sub-§3, ¶J** is enacted to read:

J. The State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph J, at the request of that person and upon payment of the expenses by the Department of Administrative and Financial Services, Bureau of Revenue Services as specified under Title 36, section 194-B, subsection 2.

**Sec. 5. 25 MRSA §1542-A, sub-§4**, as amended by PL 2005, c. 663, §15, is further amended to read:

**4. Duty to submit to State Bureau of Identification.** It is the duty of the law enforcement agency taking the fingerprints as required by subsection 3, paragraphs A, B and G to transmit immediately to the State Bureau of Identification the criminal fingerprint record. Fingerprints taken pursuant to subsection 1, paragraph C, D, E or F or pursuant to subsection 5 may not be submitted to the State Bureau of Identification unless

1 an express request is made by the commanding officer of the State Bureau of  
 2 Identification. Fingerprints taken pursuant to subsection 1, paragraph G must be  
 3 transmitted immediately to the State Bureau of Identification to enable the bureau to  
 4 conduct state and national criminal history record checks for the Department of  
 5 Education. The bureau may not use the fingerprints for any purpose other than that  
 6 provided for under Title 20-A, section 6103. The bureau shall retain the fingerprints,  
 7 except as provided under Title 20-A, section 6103, subsection 9. Fingerprints taken  
 8 pursuant to subsection 1, paragraph I and subsection 3, paragraph I must be transmitted  
 9 immediately to the State Bureau of Identification to enable the bureau to conduct state  
 10 and national criminal history record checks for the court and the Department of Public  
 11 Safety, Gambling Control Board, respectively. Fingerprints taken pursuant to subsection  
 12 1, paragraph J must be transmitted immediately to the State Bureau of Identification to  
 13 enable the bureau to conduct state and national criminal history record checks for the  
 14 Department of Administrative and Financial Services, Bureau of Revenue Services.'

15 Amend the bill by inserting after section 1 the following:

16 'Sec. 2. 36 MRSA §194-B is enacted to read:

17 **§194-B. National criminal history record information**

18 As part of the process of evaluating an applicant for employment with the bureau on  
 19 or after January 1, 2015, the assessor shall perform a national criminal history record  
 20 check in accordance with this section.

21 **1. Criminal history record information obtained from the Federal Bureau of**  
 22 **Investigation.** The assessor shall obtain national criminal history record information  
 23 from the Federal Bureau of Investigation for any person not then employed with the  
 24 Bureau of Revenue Services who has applied for and may be offered employment.

25 **2. Fingerprinting.** An individual not then employed with the Bureau of Revenue  
 26 Services applying for employment with the bureau must consent to having fingerprints  
 27 taken for use in accordance with this section before the individual may be employed by  
 28 the bureau. The State Police shall take or cause to be taken the applicant's fingerprints  
 29 and shall forward the fingerprints to the Department of Public Safety, State Bureau of  
 30 Identification so that the State Bureau of Identification can conduct state and national  
 31 criminal history record checks for the Bureau of Revenue Services. The State Police may  
 32 charge the Bureau of Revenue Services for the expenses incurred in processing state and  
 33 national criminal history record checks. The full fee charged under this subsection must  
 34 be deposited in a dedicated revenue account for the State Bureau of Identification with  
 35 the purpose of paying costs associated with the maintenance and replacement of the  
 36 criminal history record systems.

37 **3. Confidentiality.** All information obtained by the assessor pursuant to this section  
 38 is confidential and not a public record pursuant to Title 1, chapter 13.

39 **4. Applicant's access to criminal history record information.** The Bureau of  
 40 Revenue Services shall provide an applicant with access to information obtained pursuant  
 41 to this section, if requested, by providing a paper copy of the criminal history record  
 42 information directly to the applicant, but only after the Bureau of Revenue Services  
 43 confirms that the applicant is the subject of the record. In addition, the Bureau of

1 Revenue Services shall publish guidance on requesting such information from the Federal  
2 Bureau of Investigation.'

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

5 **SUMMARY**

6 This amendment requires the State Tax Assessor to obtain state and national criminal  
7 history record information from the Federal Bureau of Investigation and the State Bureau  
8 of Identification for any person not already employed with Maine Revenue Services who  
9 is applying for employment on or after January 1, 2015 as part of the process of  
10 evaluating applicants for employment with Maine Revenue Services and includes  
11 changes in the laws relating to the Department of Public Safety, State Bureau of  
12 Identification to facilitate the fingerprinting process.

13 **FISCAL NOTE REQUIRED**

14 **(See attached)**



# 126th MAINE LEGISLATURE

LD 1707

LR 2679(02)

**An Act To Amend the State's Tax Laws**

**Fiscal Note for Bill as Amended by Committee Amendment "A" (S-472)**  
**Committee: Taxation**  
**Fiscal Note Required: Yes**

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## Fiscal Note

Minor cost increase - General Fund

### Fiscal Detail and Notes

Additional costs to the Department of Administrative and Financial Services associated with implementing the provisions of this legislation can be absorbed within budgeted resources.