

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## SECOND REGULAR SESSION-2024

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Legislative Document

No. 2107

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S.P. 900

In Senate, January 3, 2024

**An Act Regarding Department of Education Reliance on Criminal  
Background Checks Required by the Department of Health and  
Human Services**

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

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator STEWART of Aroostook.  
Cosponsored by Representative COLLAMORE of Pittsfield and  
Senators: LIBBY of Cumberland, RAFFERTY of York.

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

2 **Sec. 1. 19-A MRSA §2111, sub-§5**, as enacted by PL 2019, c. 402, §1, is amended  
3 to read:

4 **5. Confidentiality.** Information obtained pursuant to this section is confidential and  
5 may not be disseminated for purposes other than as provided in subsections 6 and 7 and  
6 Title 20-A, section 6103, subsection 12.

7 **Sec. 2. 20-A MRSA §6103, sub-§12** is enacted to read:

8 **12. Reliance on criminal history background check information provided to**  
9 **Department of Health and Human Services.** Notwithstanding any provision of this  
10 section to the contrary, the commissioner shall rely on information provided by the Maine  
11 Criminal Justice Information System and the Federal Bureau of Investigation to the  
12 Department of Health and Human Services for state and national criminal history  
13 background checks conducted on a person required to have a criminal history background  
14 check pursuant to Title 19-A, section 2111; Title 22, section 2425-A, subsection 3-A; Title  
15 22, section 5307, subsection 2; Title 22, section 8110; Title 22, section 8302-A; or Title  
16 22, section 8302-B as long as the person has been continuously employed in a position  
17 requiring a criminal history background check pursuant to one of those provisions of law  
18 and the information was provided by the Maine Criminal Justice Information System or the  
19 Federal Bureau of Investigation within 24 months prior to the issuance of a credential or  
20 renewal under chapter 501 or 502. The Department of Health and Human Services shall  
21 provide to the commissioner the information received pursuant to the background check  
22 conducted pursuant to Title 19-A or 22.

23 **Sec. 3. 22 MRSA §2425-A, sub-§3-A, ¶F**, as amended by PL 2019, c. 331, §19,  
24 is further amended to read:

25 F. Information obtained pursuant to this subsection is confidential. The results of  
26 criminal history record checks received by the department are for official use only and,  
27 except as provided in Title 20-A, section 6103, subsection 12, may not be disseminated  
28 to any other person.

29 **Sec. 4. 22 MRSA §5307, sub-§2, ¶F**, as enacted by PL 2021, c. 400, §1, is  
30 amended to read:

31 F. Information obtained pursuant to this subsection is confidential. The results of  
32 background checks received by the department are for official use only and, except as  
33 provided in Title 20-A, section 6103, subsection 12, may not be disseminated to any  
34 other person or entity.

35 **Sec. 5. 22 MRSA §8110, sub-§5**, as enacted by PL 2019, c. 399, §1, is amended to  
36 read:

37 **5. Confidentiality.** Information obtained pursuant to this section is confidential and  
38 may not be disseminated for purposes other than as provided in subsections 6 and 7 and  
39 Title 20-A, section 6103, subsection 12.

40 **Sec. 6. 22 MRSA §8302-C, sub-§1, ¶F**, as enacted by PL 2017, c. 457, §9, is  
41 amended to read:

1 F. Information obtained pursuant to this subsection is confidential. The results of  
2 criminal background checks received by the department are for official use only and,  
3 except as provided in Title 20-A, section 6103, subsection 12, may not be disseminated  
4 to any other person or entity.

5 **SUMMARY**

6 This bill requires that, when a criminal history background check of a person is required  
7 for the issuance or renewal of a teaching or educational personnel credential and that person  
8 was subject to a criminal history background check by the Department of Health and  
9 Human Services, the Commissioner of Education must rely on the criminal history  
10 background check information provided to the Department of Health and Human Services  
11 by the Maine Criminal Justice Information System and the Federal Bureau of Investigation.