

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-ONE

—
H.P. 239 - L.D. 335

**An Act To Clarify Requirements for Criminal History Record Checks
Pursuant to the Federal Family First Prevention Services Act**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, amendment of the Maine Revised Statutes, Title 22, section 8110 is required in order to conform to the federal Family First Prevention Services Act in 2021;

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 22 MRSA §8110, as enacted by PL 2019, c. 399, §1, is amended by amending the section headnote to read:

§8110. Criminal history record checks for employees of children's residential care facilities, emergency children's shelters, shelters for homeless children and any group home that provides care for children

Sec. 2. 22 MRSA §8110, sub-§2, as enacted by PL 2019, c. 399, §1, is amended to read:

2. Criminal history; information about criminal records and data obtained. The department shall obtain, in print or electronic format, criminal history record information containing a record of public criminal history record information as defined in Title 16, section 703, subsection 8, from the Maine Criminal Justice Information System, established pursuant to Title 16, section 631, and the Federal Bureau of Investigation, for any staff member of a children's residential care facility, an emergency children's shelter, a shelter for homeless children or any group home that provides care for children in order to comply with the federal ~~family first prevention services legislation~~ Family First Prevention Services Act. For purposes of this section, "staff member" means an individual who is employed by, or has applied for and may be offered employment at, a children's residential care facility, an emergency children's shelter, a shelter for homeless children or any group

home that provides care for children, including a contract employee or self-employed individual, whether or not the individual has direct contact with children. "Staff member" does not include a contractor performing maintenance or repairs at the children's residential care facility, emergency children's shelter, shelter for homeless children or group home that provides care for children who does not have unsupervised access to children at the facility, shelter or group home.

Sec. 3. 22 MRSA §8110, sub-§3, as enacted by PL 2019, c. 399, §1, is amended to read:

3. Fingerprint-based criminal history obtained. A staff member shall consent to and have the staff member's fingerprints taken. The State Police shall take or cause to be taken the fingerprints of a staff member who has consented under this subsection and shall forward the fingerprints to the Department of Public Safety so that the Department of Public Safety may conduct a state and national criminal history record check on the person. The Department of Public Safety shall forward the results obtained to the department. The State Police shall assess a fee set annually by the Department of Public Safety to be paid by the children's residential care facility, emergency children's shelter, shelter for homeless children or group home that provides care for children or the staff member for each criminal history record check required to be performed under this section. Except for the portion of the payment that constitutes the processing fee charged by the Federal Bureau of Investigation, all money received by the State Police under this subsection must be paid to the Treasurer of State, who shall apply the money to the expenses of administration of this section by the Department of Public Safety.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.