



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 592

H.P. 436

House of Representatives, February 5, 2019

**Resolve, To Establish a Background Check Consolidation
Commission**

(EMERGENCY)

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative McCREA of Fort Fairfield.
Cosponsored by Senator VITELLI of Sagadahoc and
Representatives: ACKLEY of Monmouth, CARDONE of Bangor, DUNPHY of Old Town,
FARNSWORTH of Portland, MARTIN of Sinclair, SCHNECK of Bangor, STANLEY of
Medway, WHITE of Waterville.

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

3 **Whereas,** this legislation establishes the Background Check Consolidation
4 Commission to study consolidating state-required, employment-related background
5 checks; and

6 **Whereas,** the study must be initiated before the 90-day period expires in order that
7 the study may be completed and a report submitted in time for submission to the next
8 legislative session; and

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

13 **Sec. 1. Commission established. Resolved:** That the Background Check
14 Consolidation Commission, referred to in this resolve as "the commission," is established.

15 **Sec. 2. Commission membership. Resolved:** That the commission consists of
16 11 members appointed as follows:

17 1. Four members of the Senate appointed by the President of the Senate, including
18 members from each of the 2 parties holding the largest number of seats in the Legislature;

19 2. Three members of the House of Representatives appointed by the Speaker of the
20 House, including members from each of the 2 parties holding the largest number of seats
21 in the Legislature;

22 3. The Commissioner of Education or the commissioner's designee;

23 4. The Commissioner of Inland Fisheries and Wildlife or the commissioner's
24 designee;

25 5. The Commissioner of Public Safety or the commissioner's designee; and

26 6. The Commissioner of Health and Human Services or the commissioner's designee.

27 **Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate
28 chair and the first-named House of Representatives member is the House chair of the
29 commission.

30 **Sec. 4. Appointments; convening of commission. Resolved:** That all
31 appointments must be made no later than 30 days following the effective date of this
32 resolve. The appointing authorities shall notify the Executive Director of the Legislative
33 Council once all appointments have been completed. After appointment of all members,
34 the chairs shall call and convene the first meeting of the commission. If 30 days or more
35 after the effective date of this resolve a majority of but not all appointments have been

1 made, the chairs may request authority and the Legislative Council may grant authority
2 for the commission to meet and conduct its business.

3 **Sec. 5. Duties. Resolved:** That the commission shall study consolidating and
4 centralizing as many state-required background checks required for employment as
5 possible, including background checks for teachers, state workers and persons seeking
6 Maine Guide licenses. Background checks to obtain firearms may not be addressed by
7 the commission.

8 **Sec. 6. Staff assistance. Resolved:** That the Legislative Council shall provide
9 necessary staffing services to the commission, except that Legislative Council staff
10 support is not authorized when the Legislature is in regular or special session.

11 **Sec. 7. Report. Resolved:** That, no later than December 4, 2019, the commission
12 shall submit a report that includes its findings and recommendations, including suggested
13 legislation, for presentation to the Second Regular Session of the 129th Legislature.

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

16 **SUMMARY**

17 This resolve establishes the Background Check Consolidation Commission to study
18 consolidating and centralizing as many state-required background checks required for
19 employment as possible, including background checks for teachers, state workers and
20 persons seeking Maine Guide licenses. It prohibits the commission from studying
21 background checks to obtain firearms.