



130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 758

H.P. 563

House of Representatives, March 5, 2021

**Resolve, To Study Streamlining the Background Check Process for
State-licensed Professions That Require Background Checks**

(EMERGENCY)

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

A handwritten signature in black ink, reading "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative McCREA of Fort Fairfield.
Cosponsored by Representatives: ARATA of New Gloucester, BRYANT of Windham,
O'NEIL of Saco, Senators: CHIPMAN of Cumberland, MIRAMANT of Knox.

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,** currently a number of state departments and agencies require background
4 checks for their employees and contractors; and

5 **Whereas,** most of these background checks are ultimately conducted by the
6 Department of Public Safety, State Bureau of Identification, and the process of requiring
7 and obtaining background checks is inconsistent and confusing; and

8 **Whereas,** it is imperative that this confusion be resolved as soon as possible to ensure
9 that the purpose of the background checks, namely ensuring the proper security of
10 employees and contractors, is realized; and

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

15 **Sec. 1. Background check study by State Bureau of Identification;**
16 **definitions. Resolved:** That the Department of Public Safety, State Bureau of
17 Identification shall convene a study of the current system of background checks.

18 As used in this resolve, unless the context otherwise indicates, the following terms have
19 the following meanings.

20 1. "Background check" means the taking of fingerprints and other criminal history
21 record information by the bureau pertinent to the identification of individuals who have
22 been arrested as fugitives from justice or who have been arrested or charged with any
23 criminal offense under the laws of this State except a violation of the Maine Revised
24 Statutes, Title 12 or 29-A that is a Class D or E crime other than an alcohol-related or drug-
25 related offense or individuals who have been taken into custody for juvenile crimes under
26 a uniform interstate compact on juveniles or who have been arrested or charged with
27 juvenile crimes under the laws of this State.

28 2. "Bureau" means the Department of Public Safety, State Bureau of Identification.

29 **Sec. 2. Membership. Resolved:** That, in addition to an employee of the bureau
30 involved with the conduct of background checks, the following shall participate in the study
31 of background checks:

- 32 1. The Commissioner of Education or the commissioner's designee;
33 2. The Commissioner of Inland Fisheries and Wildlife or the commissioner's designee;
34 3. The Commissioner of Public Safety or the commissioner's designee; and
35 4. The Commissioner of Health and Human Services or the commissioner's designee.

36 The bureau may invite the participation of any other person the bureau determines to
37 be necessary to the success of the background check study.

38 **Sec. 3. Duties. Resolved:** That the bureau shall study consolidating and
39 centralizing as many state-required background checks required for employment or as
40 contractors as possible, including background checks for teachers, state workers, persons

1 seeking Maine guide licenses and persons hired as contractors, including the statutory
2 requirements for background checks.

3 **Sec. 4. Report. Resolved:** That, no later than December 1, 2021, the bureau shall
4 submit a report that includes its findings and recommendations, including suggested
5 legislation, for presentation to the Second Regular Session of the 130th Legislature.

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

8 SUMMARY

9 This resolve establishes the Background Check Consolidation Commission to study
10 consolidating and centralizing as many state-required background checks required for
11 employment as possible, including background checks for teachers, state workers and
12 persons seeking Maine guide licenses.