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An Act To Protect Children in the State from Possible Sexual, Physical and Emotional Abuse by Persons Who Have Been Convicted of Crimes

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

Sec. 1. 22 MRSA §8301-A, sub-§2, as amended by PL 2005, c. 640, §2, is further amended to read:

2. Child care facility licensure. The owner or operator of a child care facility shall pay the licensing fee required under section 8303-A. A child care facility must be licensed under this chapter and must comply with the rules adopted by the commissioner under section 8302-A ~~and~~ the fire safety requirements of section 8304-A ~~and the requirements of section 8304-B~~. The department shall make at least one unannounced inspection of a child care facility licensed under this chapter during the term of the license. The inspection must take place between 6 and 18 months after the issuance of the license. Except as otherwise provided, a nursery school must meet the requirements of this chapter and chapter 1675.

Sec. 2. 22 MRSA §8301-A, sub-§3, as amended by PL 2005, c. 640, §3, is further amended to read:

3. Family child care provider certification. A family child care provider shall pay the certification fee required under section 8303-A. A family child care provider must be certified under this chapter and shall comply with the rules adopted by the commissioner under section 8302-A ~~and~~ the fire safety requirements of section 8304-A ~~and the requirements of section 8304-B~~. The department shall make at least one unannounced inspection of a family child care provider certified under this chapter during the term of the certificate. The inspection must take place between 6 and 18 months after the issuance of the certificate.

Sec. 3. 22 MRSA §8304-B is enacted to read:

§ 8304-B. Criminal history record information; fingerprinting

1. Child care facility. As a condition of licensure, beginning September 1, 2016, a child care facility must submit for each provider of care and staff member:

A. Age, criminal record and personal history in accordance with rules adopted under section 8302-A, subsection 1, paragraph G; and

B. A set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the Department of Public Safety.

2. Family child care provider. As a condition of certification, beginning September 1, 2016, a family child care provider must submit for each provider of care and staff member:

A. Age, criminal record and personal history in accordance with rules adopted under section 8302-A, subsection 2, paragraph J; and

B. A set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the Department of Public Safety.

3. Confidentiality. Any information obtained pursuant to this section is confidential. The results of criminal history record checks received by the commissioner are for official use only and may not be disseminated outside the department, except that the commissioner may outsource administrative functions of software document management according to federal outsourcing standards as described in 28 Code of Federal Regulations, Section 906.2 (2011) and allow access to these results for that purpose.

4. Rulemaking. The department shall adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

SUMMARY

This bill requires that, beginning September 1, 2016, child care facilities licensed by the Department of Health and Human Services and family child care providers certified by the department submit fingerprints for care providers and staff.