



# 132nd MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2025

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Legislative Document

No. 1854

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H.P. 1238

House of Representatives, April 30, 2025

**An Act to Require the Board of Counseling Professionals Licensure, Board of Dental Practice, Board of Speech, Audiology and Hearing and Board of Occupational Therapy Practice to Obtain Fingerprint-based Federal Bureau of Investigation Criminal Background Checks for Initial Applicants and Licensees Seeking Compact Privileges**

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Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

Reference to the Committee on Health Coverage, Insurance and Financial Services suggested and ordered printed.

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

ROBERT B. HUNT  
Clerk

Presented by Representative MATHIESON of Kittery.

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

2       **Sec. 1. 25 MRSA §1542-A, sub-§1, ¶CC** is enacted to read:

3       CC. Who is an applicant for licensure as an occupational therapist or an occupational  
4       therapy assistant with the Board of Occupational Therapy Practice, or who is a licensed  
5       occupational therapist or a licensed occupational therapy assistant seeking a compact  
6       privilege, as required under Title 32, section 2279-A.

7       **Sec. 2. 25 MRSA §1542-A, sub-§1, ¶DD** is enacted to read:

8       DD. Who is an applicant for licensure as a clinical professional counselor or a marriage  
9       and family therapist with the Board of Counseling Professionals Licensure, or who is  
10       a licensed clinical professional counselor or licensed marriage and family therapist  
11       seeking a compact privilege, as required under Title 32, section 13858-A.

12       **Sec. 3. 25 MRSA §1542-A, sub-§1, ¶EE** is enacted to read:

13       EE. Who is an applicant for licensure as an audiologist or a speech-language  
14       pathologist with the Board of Speech, Audiology and Hearing, or who is a licensed  
15       audiologist or licensed speech-language pathologist seeking a compact privilege, as  
16       required under Title 32, section 17301-A.

17       **Sec. 4. 25 MRSA §1542-A, sub-§1, ¶FF** is enacted to read:

18       FF. Who is an applicant for licensure as a dentist or a dental hygienist with the Board  
19       of Dental Practice, or who is a licensed dentist or licensed dental hygienist seeking a  
20       compact privilege, as required under Title 32, section 18341-A.

21       **Sec. 5. 25 MRSA §1542-A, sub-§3, ¶BB** is enacted to read:

22       BB. The State Police shall take or cause to be taken the fingerprints of the person  
23       named in subsection 1, paragraph CC at the request of that person or the Board of  
24       Occupational Therapy Practice and upon payment of the fee by that person as required  
25       by Title 32, section 2279-A.

26       **Sec. 6. 25 MRSA §1542-A, sub-§3, ¶CC** is enacted to read:

27       CC. The State Police shall take or cause to be taken the fingerprints of the person  
28       named in subsection 1, paragraph DD at the request of that person or the Board of  
29       Counseling Professionals Licensure and upon payment of the fee by that person as  
30       required by Title 32, section 13858-A.

31       **Sec. 7. 25 MRSA §1542-A, sub-§3, ¶DD** is enacted to read:

32       DD. The State Police shall take or cause to be taken the fingerprints of the person  
33       named in subsection 1, paragraph EE at the request of that person or the Board of  
34       Speech, Audiology and Hearing and upon payment of the fee by that person as required  
35       by Title 32, section 17301-A.

36       **Sec. 8. 25 MRSA §1542-A, sub-§3, ¶EE** is enacted to read:

37       EE. The State Police shall take or cause to be taken the fingerprints of the person  
38       named in subsection 1, paragraph FF at the request of that person or the Board of Dental  
39       Practice and upon payment of the fee by that person as required by Title 32, section  
40       18341-A.

1           **Sec. 9. 32 MRSA §2279-A** is enacted to read:

2           **§2279-A. Criminal history record information; fees**

3           **1. Background check.** The board shall request a background check for each person  
4 who submits an application for initial licensure or licensure by endorsement as an  
5 occupational therapist or an occupational therapy assistant under this chapter. The board  
6 shall request a background check for each licensed occupational therapist or licensed  
7 occupational therapy assistant who applies for an initial compact privilege and designates  
8 this State as the applicant's home state. The background check must include criminal  
9 history record information obtained from the Maine Criminal Justice Information System,  
10 established in Title 16, section 631, and the Federal Bureau of Investigation.

11           A. The criminal history record information obtained from the Maine Criminal Justice  
12 Information System must include public criminal history record information as defined  
13 in Title 16, section 703, subsection 8.

14           B. The criminal history record information obtained from the Federal Bureau of  
15 Investigation must include other state and national criminal history record information.

16           C. An applicant or licensee shall submit to having fingerprints taken. The Department  
17 of Public Safety, Bureau of State Police, upon payment by the applicant or licensee of  
18 a fee established by the board, shall take or cause to be taken the applicant's or licensee's  
19 fingerprints and shall forward the fingerprints to the Department of Public Safety,  
20 Bureau of State Police, State Bureau of Identification so that the State Bureau of  
21 Identification can conduct state and national criminal history record checks. Except for  
22 the portion of the payment, if any, that constitutes the processing fee charged by the  
23 Federal Bureau of Investigation, all money received by the Bureau of State Police for  
24 purposes of this paragraph must be paid to the Treasurer of State. The money must be  
25 applied to the expenses of administration incurred by the Department of Public Safety.  
26 Any person who fails to transmit criminal fingerprint records to the State Bureau of  
27 Identification pursuant to this paragraph is subject to the provisions of Title 25, section  
28 1550.

29           D. The subject of a Federal Bureau of Investigation criminal history record check may  
30 obtain a copy of the criminal history record check by following the procedures outlined  
31 in 28 Code of Federal Regulations, Sections 16.32 and 16.33. The subject of a state  
32 criminal history record check may inspect and review the criminal history record  
33 information pursuant to Title 16, section 709.

34           E. State and federal criminal history record information of an applicant for an  
35 occupational therapist or occupational therapy assistant license may be used by the  
36 board for the purpose of screening the applicant. State and federal criminal history  
37 record information of a licensed occupational therapist or licensed occupational  
38 therapy assistant seeking an initial compact privilege may be used by the board for the  
39 purpose of taking disciplinary action against the licensee. A board action against an  
40 applicant for licensure or a licensee under this subsection is subject to the provisions  
41 of Title 5, chapter 341.

42           F. Information obtained pursuant to this subsection is confidential. The results of  
43 background checks received by the board are for official use only and may not be

1 disseminated to the Occupational Therapy Compact Commission established under  
2 section 2294 or to any other person.

3 G. An individual whose license has expired and who has not applied for renewal may  
4 request in writing that the Department of Public Safety, Bureau of State Police, State  
5 Bureau of Identification remove the individual's fingerprints from the bureau's  
6 fingerprint file. In response to a written request, the bureau shall remove the  
7 individual's fingerprints from the fingerprint file and provide written confirmation of  
8 that removal.

9 **2. Rules.** The board, following consultation with the Department of Public Safety,  
10 Bureau of State Police, State Bureau of Identification, may adopt rules to implement this  
11 section. Rules adopted pursuant to this subsection are routine technical rules as defined in  
12 Title 5, chapter 375, subchapter 2-A.

13 **Sec. 10. 32 MRSA §13858-A** is enacted to read:

14 **§13858-A. Criminal history record information; fees**

15 **1. Background check.** The board shall request a background check for each person  
16 who submits an application for initial licensure or licensure by endorsement as a clinical  
17 professional counselor or a marriage and family therapist under this chapter. The board  
18 shall request a background check for each licensed clinical professional counselor or  
19 licensed marriage and family therapist who applies for an initial compact privilege and  
20 designates this State as the applicant's home state. The background check must include  
21 criminal history record information obtained from the Maine Criminal Justice Information  
22 System, established in Title 16, section 631, and the Federal Bureau of Investigation.

23 A. The criminal history record information obtained from the Maine Criminal Justice  
24 Information System must include public criminal history record information as defined  
25 in Title 16, section 703, subsection 8.

26 B. The criminal history record information obtained from the Federal Bureau of  
27 Investigation must include other state and national criminal history record information.

28 C. An applicant or licensee shall submit to having fingerprints taken. The Department  
29 of Public Safety, Bureau of State Police, upon payment by the applicant or licensee of  
30 a fee established by the board, shall take or cause to be taken the applicant's or licensee's  
31 fingerprints and shall forward the fingerprints to the Department of Public Safety,  
32 Bureau of State Police, State Bureau of Identification so that the State Bureau of  
33 Identification can conduct state and national criminal history record checks. Except for  
34 the portion of the payment, if any, that constitutes the processing fee charged by the  
35 Federal Bureau of Investigation, all money received by the Bureau of State Police for  
36 purposes of this paragraph must be paid to the Treasurer of State. The money must be  
37 applied to the expenses of administration incurred by the Department of Public Safety.  
38 Any person who fails to transmit criminal fingerprint records to the State Bureau of  
39 Identification pursuant to this paragraph is subject to the provisions of Title 25, section  
40 1550.

41 D. The subject of a Federal Bureau of Investigation criminal history record check may  
42 obtain a copy of the criminal history record check by following the procedures outlined  
43 in 28 Code of Federal Regulations, Sections 16.32 and 16.33. The subject of a state

1 criminal history record check may inspect and review the criminal history record  
2 information pursuant to Title 16, section 709.

3 E. State and federal criminal history record information of an applicant for a clinical  
4 professional counselor license or a marriage and family therapist license may be used  
5 by the board for the purpose of screening the applicant. State and federal criminal  
6 history record information of a licensed clinical professional counselor or a licensed  
7 marriage and family therapist seeking an initial compact privilege may be used by the  
8 board for the purpose of taking disciplinary action against the licensee. A board action  
9 against an applicant for licensure or a licensee under this subsection is subject to the  
10 provisions of Title 5, chapter 341.

11 F. Information obtained pursuant to this subsection is confidential. The results of  
12 background checks received by the board are for official use only and may not be  
13 disseminated to the counseling compact commission established under section 18560  
14 or to any other person.

15 G. An individual whose license has expired and who has not applied for renewal may  
16 request in writing that the Department of Public Safety, Bureau of State Police, State  
17 Bureau of Identification remove the individual's fingerprints from the bureau's  
18 fingerprint file. In response to a written request, the bureau shall remove the  
19 individual's fingerprints from the fingerprint file and provide written confirmation of  
20 that removal.

21 **2. Rules.** The board, following consultation with the Department of Public Safety,  
22 Bureau of State Police, State Bureau of Identification, may adopt rules to implement this  
23 section. Rules adopted pursuant to this subsection are routine technical rules as defined in  
24 Title 5, chapter 375, subchapter 2-A.

25 **Sec. 11. 32 MRSA §17301-A** is enacted to read:

26 **§17301-A. Criminal history record information; fees**

27 **1. Background check.** The board shall request a background check for each person  
28 who submits an application for initial licensure or licensure by endorsement as an  
29 audiologist or speech-language pathologist under this chapter. The board shall request a  
30 background check for each licensed audiologist or licensed speech-language pathologist  
31 who applies for an initial compact privilege and designates this State as the applicant's  
32 home state. The background check must include criminal history record information  
33 obtained from the Maine Criminal Justice Information System, established in Title 16,  
34 section 631, and the Federal Bureau of Investigation.

35 A. The criminal history record information obtained from the Maine Criminal Justice  
36 Information System must include public criminal history record information as defined  
37 in Title 16, section 703, subsection 8.

38 B. The criminal history record information obtained from the Federal Bureau of  
39 Investigation must include other state and national criminal history record information.

40 C. An applicant or licensee shall submit to having fingerprints taken. The Department  
41 of Public Safety, Bureau of State Police, upon payment by the applicant or licensee of  
42 a fee established by the board, shall take or cause to be taken the applicant's or licensee's  
43 fingerprints and shall forward the fingerprints to the Department of Public Safety,  
44 Bureau of State Police, State Bureau of Identification so that the State Bureau of

1 Identification can conduct state and national criminal history record checks. Except for  
2 the portion of the payment, if any, that constitutes the processing fee charged by the  
3 Federal Bureau of Investigation, all money received by the Bureau of State Police for  
4 purposes of this paragraph must be paid to the Treasurer of State. The money must be  
5 applied to the expenses of administration incurred by the Department of Public Safety.  
6 Any person who fails to transmit criminal fingerprint records to the State Bureau of  
7 Identification pursuant to this paragraph is subject to the provisions of Title 25, section  
8 1550.

9 D. The subject of a Federal Bureau of Investigation criminal history record check may  
10 obtain a copy of the criminal history record check by following the procedures outlined  
11 in 28 Code of Federal Regulations, Sections 16.32 and 16.33. The subject of a state  
12 criminal history record check may inspect and review the criminal history record  
13 information pursuant to Title 16, section 709.

14 E. State and federal criminal history record information of an applicant for an  
15 audiologist license or a speech-language pathologist license may be used by the board  
16 for the purpose of screening the applicant. State and federal criminal history record  
17 information of a licensed audiologist or licensed speech-language pathologist seeking  
18 an initial compact privilege may be used by the board for the purpose of taking  
19 disciplinary action against the licensee. A board action against an applicant for  
20 licensure or a licensee under this subsection is subject to the provisions of Title 5,  
21 chapter 341.

22 F. Information obtained pursuant to this subsection is confidential. The results of  
23 background checks received by the board are for official use only and may not be  
24 disseminated to the Audiology and Speech-Language Pathology Compact Commission  
25 established under section 17508 or to any other person.

26 G. An individual whose license has expired and who has not applied for renewal may  
27 request in writing that the Department of Public Safety, Bureau of State Police, State  
28 Bureau of Identification remove the individual's fingerprints from the bureau's  
29 fingerprint file. In response to a written request, the bureau shall remove the  
30 individual's fingerprints from the fingerprint file and provide written confirmation of  
31 that removal.

32 **2. Rules.** The board, following consultation with the Department of Public Safety,  
33 Bureau of State Police, State Bureau of Identification, may adopt rules to implement this  
34 section. Rules adopted pursuant to this subsection are routine technical rules as defined in  
35 Title 5, chapter 375, subchapter 2-A.

36 **Sec. 12. 32 MRSA §18341-A** is enacted to read:

37 **§18341-A. Criminal history record information; fees**

38 **1. Background check.** The board shall request a background check for each person  
39 who submits an application for initial licensure or licensure by endorsement as a dentist or  
40 a dental hygienist under this chapter. The board shall request a background check for each  
41 licensed dentist or licensed dental hygienist who applies for an initial compact privilege  
42 and designates this State as the applicant's home state. The background check must include  
43 criminal history record information obtained from the Maine Criminal Justice Information  
44 System, established in Title 16, section 631, and the Federal Bureau of Investigation.

1       A. The criminal history record information obtained from the Maine Criminal Justice  
2       Information System must include public criminal history record information as defined  
3       in Title 16, section 703, subsection 8.

4       B. The criminal history record information obtained from the Federal Bureau of  
5       Investigation must include other state and national criminal history record information.

6       C. An applicant or licensee shall submit to having fingerprints taken. The Department  
7       of Public Safety, Bureau of State Police, upon payment by the applicant or licensee of  
8       a fee established by the board, shall take or cause to be taken the applicant's or licensee's  
9       fingerprints and shall forward the fingerprints to the Department of Public Safety,  
10       Bureau of State Police, State Bureau of Identification so that the State Bureau of  
11       Identification can conduct state and national criminal history record checks. Except for  
12       the portion of the payment, if any, that constitutes the processing fee charged by the  
13       Federal Bureau of Investigation, all money received by the Bureau of State Police for  
14       purposes of this paragraph must be paid to the Treasurer of State. The money must be  
15       applied to the expenses of administration incurred by the Department of Public Safety.  
16       Any person who fails to transmit criminal fingerprint records to the State Bureau of  
17       Identification pursuant to this paragraph is subject to the provisions of Title 25, section  
18       1550.

19       D. The subject of a Federal Bureau of Investigation criminal history record check may  
20       obtain a copy of the criminal history record check by following the procedures outlined  
21       in 28 Code of Federal Regulations, Sections 16.32 and 16.33. The subject of a state  
22       criminal history record check may inspect and review the criminal history record  
23       information pursuant to Title 16, section 709.

24       E. State and federal criminal history record information of an applicant for a dentist  
25       license or a dental hygienist license may be used by the board for the purpose of  
26       screening the applicant. State and federal criminal history record information of a  
27       licensed dentist or licensed dental hygienist seeking an initial compact privilege may  
28       be used by the board for the purpose of taking disciplinary action against the licensee.  
29       A board action against an applicant for licensure or a licensee under this subsection is  
30       subject to the provisions of Title 5, chapter 341.

31       F. Information obtained pursuant to this subsection is confidential. The results of  
32       background checks received by the board are for official use only and may not be  
33       disseminated to the dentist and dental hygienist compact commission established under  
34       section 18438 or to any other person.

35       G. An individual whose license has expired and who has not applied for renewal may  
36       request in writing that the Department of Public Safety, Bureau of State Police, State  
37       Bureau of Identification remove the individual's fingerprints from the bureau's  
38       fingerprint file. In response to a written request, the bureau shall remove the  
39       individual's fingerprints from the fingerprint file and provide written confirmation of  
40       that removal.

41       **2. Rules.** The board, following consultation with the Department of Public Safety,  
42       Bureau of State Police, State Bureau of Identification, may adopt rules to implement this  
43       section. Rules adopted pursuant to this subsection are routine technical rules as defined in  
44       Title 5, chapter 375, subchapter 2-A.

1 **SUMMARY**

2 This bill requires the Department of Professional and Financial Regulation, Office of  
3 Professional and Occupational Regulation, Board of Counseling Professionals Licensure,  
4 Board of Dental Practice, Board of Speech, Audiology and Hearing and Board of  
5 Occupational Therapy Practice to obtain national and state fingerprint-based criminal  
6 history record information for certain applicants for initial licensure and licensure by  
7 endorsement by each board as well as for those licensees seeking a compact privilege who  
8 have designated this State as the applicant's home state.