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Date: (Filing No. S-)

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STATE OF MAINE
SENATE
128TH LEGISLATURE
SECOND SPECIAL SESSION

SENATE AMENDMENT “ ” to COMMITTEE AMENDMENT “D” to H.P. 207, L.D. 274, Bill, “An Act To Implement the Recommendations of the Working Group To Study Background Checks for Child Care Facilities and Providers”

Amend the amendment by striking out all of section 8 and inserting the following:

'Sec. 8. 22 MRSA §8302-B, sub-§1-A is enacted to read:

1-A. Payment for criminal background checks. Fees for and costs related to processing and administering criminal background checks required for a child care staff member pursuant to subsection 1 must be paid by the department from the funds available under the federal Child Care and Development Block Grant Act of 1990, as amended by the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 110 Stat. 2105. The fees for and costs related to processing and administering criminal background checks reimbursed under this subsection may not exceed the actual costs for processing and administration. A transfer of payment by the department to the Department of Public Safety from the federal Child Care and Development Block Grant Act of 1990, as amended by the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 110 Stat. 2105 must be made pursuant to a schedule agreed upon by the department and the Department of Public Safety, in consultation with the State Controller, and based on documentation of fees and processing and administration costs incurred.'

Amend the amendment by striking out all of section 13 and inserting the following:

'Sec. 13. 25 MRSA §1542-A, sub-§1, ¶¶P to R are enacted to read:

P. Who is licensed under Title 32, chapter 36 and has applied for an expedited license under Title 32, section 18506;

Q. Who is an applicant for licensure with the State Board of Nursing as required under Title 32, section 2111, subsection 1; or

R. Who is required to have a criminal background check under Title 22, section 8302-A or 8302-B.'

Amend the amendment by striking out all of sections 15 to 17 and inserting the following:

1 **Sec. 15. 25 MRSA §1542-A, sub-§3, ¶¶O to Q** are enacted to read:

2 O. The State Police shall take or cause to be taken the fingerprints of the person
3 named in subsection 1, paragraph P at the request of that person and upon payment of
4 the expenses by that person as required by Title 32, section 2571-A.

5 P. The State Police shall take or cause to be taken the fingerprints of the person
6 named in subsection 1, paragraph Q at the request of that person and upon payment
7 by the person of the fee established in Title 32, section 2111, subsection 1.

8 Q. The State Police shall take or cause to be taken the fingerprints of the person
9 named in subsection 1, paragraph R at the request of that person or the Department of
10 Health and Human Services under Title 22, section 8302-A or 8302-B.

11 **Sec. 16. 25 MRSA §1542-A, sub-§4**, as repealed and replaced by PL 2017, c.
12 409, Pt. B, §13, is amended to read:

13 **4. Duty to submit to State Bureau of Identification.** It is the duty of the law
14 enforcement agency taking the fingerprints as required by subsection 3, paragraphs A, B
15 and G to transmit immediately to the State Bureau of Identification the criminal
16 fingerprint record. Fingerprints taken pursuant to subsection 1, paragraph C, D, E or F or
17 pursuant to subsection 5 may not be submitted to the State Bureau of Identification unless
18 an express request is made by the commanding officer of the State Bureau of
19 Identification. Fingerprints taken pursuant to subsection 1, paragraph G must be
20 transmitted immediately to the State Bureau of Identification to enable the bureau to
21 conduct state and national criminal history record checks for the Department of
22 Education. The bureau may not use the fingerprints for any purpose other than that
23 provided for under Title 20-A, section 6103. The bureau shall retain the fingerprints,
24 except as provided under Title 20-A, section 6103, subsection 9. Fingerprints taken
25 pursuant to subsection 1, paragraph I and subsection 3, paragraph I must be transmitted
26 immediately to the State Bureau of Identification to enable the bureau to conduct state
27 and national criminal history record checks for the court and the Department of Public
28 Safety, Gambling Control Board, respectively. Fingerprints taken pursuant to subsection
29 1, paragraph J, K or L must be transmitted immediately to the State Bureau of
30 Identification to enable the bureau to conduct state and national criminal history record
31 checks for the Department of Administrative and Financial Services, Bureau of Revenue
32 Services. Fingerprints taken pursuant to subsection 1, paragraph ~~M~~ P must be transmitted
33 immediately to the State Bureau of Identification to enable the bureau to conduct state
34 and national criminal history record checks for the Board of Osteopathic Licensure,
35 established in Title 32, chapter 36. Fingerprints taken pursuant to subsection 1, paragraph
36 N must be transmitted immediately to the State Bureau of Identification to enable the
37 bureau to conduct state and national criminal history record checks for the Board of
38 Licensure in Medicine, established in Title 32, chapter 48. Fingerprints taken pursuant to
39 subsection 1, paragraph ~~M~~ Q must be transmitted immediately to the State Bureau of
40 Identification to enable the bureau to conduct state and national criminal history record
41 checks for the State Board of Nursing, established in Title 32, chapter 31. Fingerprints
42 taken pursuant to subsection 1, paragraph O must be transmitted immediately to the State
43 Bureau of Identification to enable the bureau to conduct state and national criminal
44 history record checks under Title 28-B, section 204. Fingerprints taken pursuant to
45 subsection 1, paragraph R must be transmitted immediately to the State Bureau of

1 Identification to enable the bureau to conduct state and national criminal history record
 2 checks for the Department of Health and Human Services.

3 **Sec. 17. Appropriations and allocations.** The following appropriations and
 4 allocations are made.

5 **HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

6 **Child Care Services 0563**

7 Initiative: Provides an allocation to pay background check fees for child care providers.

8	FEDERAL BLOCK GRANT FUND	2017-18	2018-19
9	All Other	\$0	\$540,000
10			
11	FEDERAL BLOCK GRANT FUND TOTAL	<u>\$0</u>	<u>\$540,000</u>

12 **Child Care Services 0563**

13 Initiative: Provides an allocation to pay background check processing and administration
 14 for child care providers.

15	FEDERAL BLOCK GRANT FUND	2017-18	2018-19
16	All Other	\$0	\$124,786
17			
18	FEDERAL BLOCK GRANT FUND TOTAL	<u>\$0</u>	<u>\$124,786</u>

19 **Division of Licensing and Regulatory Services Z036**

20 Initiative: Provides allocations for 2 Identification Specialist II positions to handle
 21 additional work from the increase in background checks.

22	OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
23	POSITIONS - LEGISLATIVE COUNT	0.000	2.000
24	Personal Services	\$0	\$121,078
25	All Other	\$0	\$17,033
26			
27	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$138,111</u>

28 **Office of Child and Family Services - District 0452**

29 Initiative: Provides allocations for one Office Associate II Supervisor position to handle
 30 additional work from the increase in background checks.

1	OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
2	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
3	Personal Services	\$0	\$62,365
4	All Other	\$0	\$6,711
5			
6	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$69,076

7	HEALTH AND HUMAN SERVICES,		
8	DEPARTMENT OF		
9	DEPARTMENT TOTALS	2017-18	2018-19
10			
11	OTHER SPECIAL REVENUE FUNDS	\$0	\$207,187
12	FEDERAL BLOCK GRANT FUND	\$0	\$664,786
13			
14	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$871,973

15 **PUBLIC SAFETY, DEPARTMENT OF**
 16 **State Police 0291**

17 Initiative: Provides funding for one Identification Specialist II position and related costs
 18 to process additional fingerprint checks.

19	GENERAL FUND	2017-18	2018-19
20	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
21	Personal Services	\$0	\$42,135
22	All Other	\$0	\$2,107
23			
24	GENERAL FUND TOTAL	\$0	\$44,242

25	HIGHWAY FUND	2017-18	2018-19
26	Personal Services	\$0	\$22,688
27	All Other	\$0	\$1,562
28			
29	HIGHWAY FUND TOTAL	\$0	\$24,250

30	OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
31	All Other	\$0	\$188,313
32			
33	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$188,313

1	PUBLIC SAFETY, DEPARTMENT OF		
2	DEPARTMENT TOTALS	2017-18	2018-19
3			
4	GENERAL FUND	\$0	\$44,242
5	HIGHWAY FUND	\$0	\$24,250
6	OTHER SPECIAL REVENUE FUNDS	\$0	\$188,313
7			
8	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$256,805

9	SECTION TOTALS	2017-18	2018-19
10			
11	GENERAL FUND	\$0	\$44,242
12	HIGHWAY FUND	\$0	\$24,250
13	OTHER SPECIAL REVENUE FUNDS	\$0	\$395,500
14	FEDERAL BLOCK GRANT FUND	\$0	\$664,786
15			
16	SECTION TOTAL - ALL FUNDS	\$0	\$1,128,778
17			

18 Amend the amendment by relettering or renumbering any nonconsecutive Part letter
 19 or section number to read consecutively.

20 **SUMMARY**

21 This amendment directs the Department of Health and Human Services to reimburse
 22 both for the background check fees and the cost of administrating and processing the
 23 checks through a transfer of payment by the department to the Department of Public
 24 Safety from the federal Child Care and Development Block Grant Act of 1990, as
 25 amended by the federal Personal Responsibility and Work Opportunity Reconciliation
 26 Act of 1996, Public Law 104-193, 110 Stat. 2105. A transfer must be made pursuant to a
 27 schedule agreed upon by the Department of Health and Human Services and the
 28 Department of Public Safety, in consultation with the State Controller, and based on
 29 documentation of fees and processing and administration costs incurred. The amendment
 30 also corrects lettering problems created by Public Law 2017, chapters 204, 253 and 258,
 31 which enacted 3 substantively different provisions with the same paragraph letter, and
 32 makes technical changes.

33 **FISCAL NOTE REQUIRED**

34 **(See attached)**

35 SPONSORED BY: _____

36 (Senator HAMPER)

37 COUNTY: Oxford