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Date: (Filing No. S- )

**INLAND FISHERIES AND WILDLIFE**

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**STATE OF MAINE  
SENATE  
128TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 518, L.D. 1489, Bill, “An Act To Authorize the Revocation, Suspension or Denial of a Guide License under Specified Circumstances”

Amend the bill in section 1 in subsection 1 in paragraph D in the first line (page 1, line 17 in L.D.) by striking out the following: "license is" and inserting the following: 'license has been'

Amend the bill in section 1 in subsection 1 in paragraph D in the 3rd line (page 1, line 19 in L.D.) by striking out the following: "is found" and inserting the following: 'has been found'

Amend the bill in section 1 in subsection 1 in paragraph D in subparagraph (2) in the 4th line (page 1, line 34 in L.D.) by inserting after the following: "license" the following: 'within 30 days of the conviction or finding'

Amend the bill by inserting after section 1 the following:

**'Sec. 2. 12 MRSA §12853, sub-§4-A** is enacted to read:

**4-A. Background check.** The commissioner shall request a background check for each person who applies for a guide license under this section. The background check must include criminal history record information obtained from the Maine Criminal Justice Information System established in Title 16, section 631 and the Federal Bureau of Investigation.

A. The criminal history record information must be obtained and used as follows.

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

(2) The criminal history record information obtained from the Federal Bureau of Investigation must include other state and national criminal history record information.

**COMMITTEE AMENDMENT**

1           (3) An applicant who is the subject of a Federal Bureau of Investigation criminal  
2           history record check may obtain a copy of the criminal history record check by  
3           following the procedures outlined in 28 Code of Federal Regulations, Sections  
4           16.32 and 16.33. An applicant who is the subject of a state criminal history  
5           record check may inspect and review the criminal history record information  
6           pursuant to Title 16, section 709.

7           (4) State and federal criminal history record information may be used by the  
8           department for the purpose of screening each applicant.

9           B. The Commissioner of Public Safety shall assess a fee set annually by the  
10          commissioner for each initial criminal history record check and a fee set annually by  
11          the commissioner for each renewal criminal history record check required by this  
12          section.

13          C. An applicant shall submit to having fingerprints taken. The State Police, upon  
14          payment of the fee required under paragraph B by the applicant, shall take or cause to  
15          be taken the applicant's fingerprints and shall forward the fingerprints to the  
16          Department of Public Safety, State Bureau of Identification so that the bureau can  
17          conduct state and national criminal history record checks. Except for the portion of  
18          the payment, if any, that constitutes the processing fee charged by the Federal Bureau  
19          of Investigation, all money received by the State Police for purposes of this paragraph  
20          must be paid over to the Treasurer of State. The money must be applied to the  
21          expenses of administration incurred by the Department of Public Safety.

22          D. Information obtained pursuant to this subsection is confidential. The results of  
23          background checks received by the department are for official use only and may not  
24          be disclosed to any other person or entity.

25          E. A person whose guide license has expired and who has not applied for renewal  
26          may request in writing that the Department of Public Safety, State Bureau of  
27          Identification remove the person's fingerprints from the bureau's fingerprint file. In  
28          response to a written request, the bureau shall remove the person's fingerprints from  
29          the fingerprint file and provide written confirmation of that removal to the requester.  
30          The Commissioner of Public Safety may, without notice to a person, remove  
31          fingerprints from the fingerprint file maintained by the bureau if the person has not  
32          held a guide license for 7 years or more.

33          **Sec. 3. 25 MRSA §1542-A, sub-§1, ¶¶K and L**, as enacted by PL 2015, c. 300,  
34          Pt. B, §3, are amended to read:

35          K. Who has applied for employment with the Department of Administrative and  
36          Financial Services, Bureau of Revenue Services, Office of Tax Policy and whose  
37          fingerprints have been required by the Associate Commissioner for Tax Policy  
38          pursuant to Title 36, section 194-B; ~~or~~

39          L. Who is assigned to provide services to the Department of Administrative and  
40          Financial Services, Bureau of Revenue Services pursuant to a contract or subcontract  
41          for services to the bureau and whose fingerprints have been required by the State Tax  
42          Assessor pursuant to Title 36, section 194-C; ~~or~~

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

1 M. Who has applied for a guide license under Title 12, section 12853.

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

3 L. The State Police shall take or cause to be taken the fingerprints of the person  
4 named in subsection 1, paragraph M at the request of that person and upon payment  
5 of the expenses by that person as required by Title 12, section 12853, subsection 4-A,  
6 paragraph B.'

7 **SUMMARY**

8 This amendment adds to the bill a process by which a background check is performed  
9 on an applicant for a guide license. The amendment adds a requirement that an applicant  
10 for or the holder of a guide license must notify the Department of Inland Fisheries and  
11 Wildlife of a conviction or a finding of not criminally responsible that would disqualify  
12 the person from holding a guide license within 30 days of the conviction or finding.

13 **FISCAL NOTE REQUIRED**

14 **(See attached)**