

Janet T. Mills
Governor

Sara Gagné-Holmes
Commissioner



Maine Department of Health and Human Services
Aging and Disability Services
11 State House Station
41 Anthony Avenue
Augusta, Maine 04333-0011
Tel; (207) 287-9200; Toll Free: (800) 262-2232
Fax (Disability) (207) 287-9915; Fax (Aging) (207)287-9229
TTY: Dial 711 (Maine Relay)

Testimony of the Division of Licensing and Certification
Maine Department of Health and Human Services

Before the Joint Standing Committee on Health and Human Services

In support of LD 1157, *An Act to Amend the Laws Relating to the State's Background Check Center*

Sponsor: Representative Shagoury
Hearing Date: April 1, 2025

Senator Ingwersen, Representative Meyer, and members of the Joint Standing Committee on Health and Human Services, my name is Bill Montejo, and I serve as the Director of the Division of Licensing and Certification (DLC) in the Maine Department of Health and Human Services. I am here today to testify in support of LD 1157, *An Act to Amend the Laws Relating to the State's Background Check Center*.

In the 131st Legislative Session, the Department presented LD 1925, a bill designed to address critical technical updates and changes to the Maine Background Check Center (MBCC). LD 1925 included two key provisions to significantly enhance efficiency, and support for the users of the MBCC.

First, the bill made background checks portable, allowing employees to carry their results with them when changing employers. This change will ultimately save both employees and employers valuable time and money while eliminating a significant barrier to hiring already-vetted staff.

Second, the bill authorized the MBCC to collect fingerprints and conduct national background checks. Currently, these processes must be handled separately through the State Bureau of Identification, creating unnecessary hurdles for both prospective employees and employers.

There was one amendment to the bill that corrected the remaining references from "unlicensed assistive person" to "direct care worker" and clarified that the Department of Public Safety must take, or cause to be taken, fingerprints to determine the eligibility of individuals to work in direct access positions. This was approved by the Legislature and signed by the Governor in June 2023. However, to fully implement fingerprinting, we must first obtain express final approval from the FBI. They have requested a few minor language adjustments before granting that approval. These changes are not costly, and we're confident they will allow us to switch to biometric checks within the year. While there has been some delay, quickly passing this bill will enable us to resubmit our proposal to the FBI and move forward with implementing this critical update. Additionally, this bill adds Home and Community Based Service Agencies as mandated users of

MBCC, to require that staff providing supports to vulnerable adults in these settings are subject to background checks.

Finally, the Department would like to make two minor language change requests that were missed or made in the drafting process. In Section 3, line 22, we request that the word “final” be changed to “initial.” An initial background check is preliminary, until the individual subject to the background check has had the opportunity to challenge or decline to challenge the accuracy of the records obtained, while a final background check reflects any outcome of a challenge and/or waiver. In this regard, initial is the correct terminology.

The second request is in Section 18, line 42. The word “deposition” should be “disposition.”

By passing this bill, with these changes, we can streamline the background check process, enhance security, and ultimately support employers and employees across Maine.

Thank you for your time and attention. I would be happy to answer any questions you may have and to make myself available for questions at the work session.