



# 125th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2012

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Legislative Document

No. 1767

H.P. 1301

House of Representatives, January 10, 2012

**An Act To Authorize the Commissioner of Education To Allow  
Access to Criminal History Record Information to Entities  
Providing Document Management and To Remove Applicants'  
Fingerprints from the Fingerprint File**

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Submitted by the Department of Education pursuant to Joint Rule 204.  
Reference to the Committee on Education and Cultural Affairs suggested and ordered  
printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative RICHARDSON of Carmel.

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

2 **Sec. 1. 20-A MRSA §6103, sub-§3**, as amended by PL 1997, c. 452, §3, is  
3 further amended to read:

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

11 **Sec. 2. 20-A MRSA §6103, sub-§9**, as enacted by PL 1999, c. 110, §2, is  
12 amended to read:

13 **9. Right of applicant and commissioner to remove fingerprints from fingerprint**  
14 **file.** Teachers or educational personnel whose certification, authorization or approval has  
15 expired and who have not applied for renewal of certification, authorization or approval  
16 may request in writing that the State Bureau of Identification remove their fingerprints  
17 from the bureau's fingerprint file. In response to a written request, the bureau shall  
18 remove the requester's fingerprints from the fingerprint file and provide written  
19 confirmation of that removal to the requester.

20 The commissioner may, without notice to an applicant, remove fingerprints from the  
21 fingerprint file maintained by the State Bureau of Identification when an applicant has  
22 had no active credential for 5 years. An applicant may renew a credential after that  
23 applicant's fingerprints have been removed from the fingerprint file upon submitting  
24 again to fingerprinting.

25 **SUMMARY**

26 This bill authorizes the Commissioner of Education to allow access to criminal  
27 history record information to entities providing document management to the Department  
28 of Education.

29 It authorizes the Commissioner of Education to remove electronic and physical  
30 fingerprint records in the fingerprint file maintained by the Department of Public Safety,  
31 State Bureau of Identification when the applicant for a department credential has not had  
32 an active credential for a period of 5 years.