

### §8302-C. Investigation

A child care provider and any child care staff member subject to a criminal background check pursuant to sections 8302-A and 8302-B must pass a background check conducted in accordance with this section and rules adopted by the department under section 8302-A. As used in this section, "child care provider" means a person who provides child care in a child care facility, a family child care provider and a person who provides day care in that person's home for one or 2 children whose care is paid for by state or federal funds. As used in this section, "child care staff member" has the same meaning as described in section 8302-A, subsection 1, paragraph J and section 8302-A, subsection 2, paragraph K. [PL 2017, c. 457, §9 (NEW).]

**1. Investigation.** In accordance with the rules adopted by the department, the department shall request a criminal background check for a child care provider and child care staff members of the child care provider. The criminal background check must include criminal history record information obtained from the Maine Criminal Justice Information System and the Federal Bureau of Investigation. The following provisions apply.

A. 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. [PL 2017, c. 457, §9 (NEW).]

B. The criminal history record information obtained from the Federal Bureau of Investigation must include other state and national criminal history record information. [PL 2017, c. 457, §9 (NEW).]

C. A person subject to a criminal background check under this section shall submit to having fingerprints taken. The State Police, upon payment of the fee, shall take or cause to be taken the person's fingerprints and shall forward the fingerprints to the State Bureau of Identification so that the bureau can conduct state and national criminal history record checks. Except for the portion of the payment, if any, that constitutes the processing fee charged by the Federal Bureau of Investigation, all money received by the State Police for purposes of this paragraph must be paid over to the Treasurer of State. The money must be applied to the expenses of administration incurred by the Department of Public Safety. [PL 2017, c. 457, §9 (NEW).]

D. The subject of a Federal Bureau of Investigation criminal history record check may obtain a copy of the criminal history record check by following the procedures outlined in 28 Code of Federal Regulations, Sections 16.32 and 16.33. The subject of a state criminal history record check may inspect and review the criminal history record information pursuant to Title 16, section 709. [PL 2017, c. 457, §9 (NEW).]

E. State and federal criminal history record information may be used by the department for the purpose of screening a child care provider or child care staff member in accordance with this chapter. [PL 2017, c. 457, §9 (NEW).]

F. Information obtained pursuant to this subsection is confidential. The results of criminal background checks received by the department are for official use only and may not be disseminated to any other person or entity. [PL 2017, c. 457, §9 (NEW).]

G. If a person is no longer subject to this chapter that person may request in writing that the State Bureau of Identification remove the person's fingerprints from the bureau's fingerprint file. In response to a written request, the bureau shall remove the person's fingerprints from the fingerprint file and provide written confirmation of that removal. [PL 2017, c. 457, §9 (NEW).]

The department, with the State Bureau of Identification, shall adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2017, c. 457, §9 (NEW).]

SECTION HISTORY

PL 2017, c. 457, §9 (NEW).

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