

§2425-B. Criminal history record check

The department shall request a criminal history record check for each applicant for an initial registry identification card and registration certificate as required under this chapter and for each registrant or registrant agent, except that an assistant is not required to submit to a criminal history record check, and every 2 years thereafter, unless a different period is specified in this chapter. If the applicant or registrant is a business entity, every officer or director of the business entity is required to submit to a criminal history record check in accordance with this section. If the applicant or registrant is a long-term care facility under section 2423-A, subsection 4, any staff person of the facility who will be assisting a qualifying patient with the patient's medical use of cannabis is required to submit to a criminal history record check in accordance with this section. A criminal history record check conducted pursuant to this section must include criminal history record information as defined in Title 16, section 703, subsection 3 and obtained from the Maine Criminal Justice Information System established in Title 16, section 631 and the United States Department of Justice, Federal Bureau of Investigation. [PL 2025, c. 611, §9 (NEW).]

1. Record of public criminal history record information required. Criminal history record information obtained from the Maine Criminal Justice Information System pursuant to this section must include a record of public criminal history record information as defined in Title 16, section 703, subsection 8.

[PL 2025, c. 611, §9 (NEW).]

2. Other state and national criminal history record information required. Criminal history record information obtained from the Federal Bureau of Investigation pursuant to this section must include other state and national criminal history record information.

[PL 2025, c. 611, §9 (NEW).]

3. Fingerprinting. A person required to submit to a criminal history record check under this section shall submit to having fingerprints taken. The Department of Public Safety, Bureau of State Police, upon payment of the fee required under subsection 4, shall take or cause to be taken the person's fingerprints and shall forward the fingerprints to the Department of Public Safety, Bureau of State Police, State Bureau of Identification. The State Bureau of Identification shall conduct the state and national criminal history record checks required under this section. Except for the portion of a payment, if any, that constitutes the processing fee for a criminal history record check charged by the Federal Bureau of Investigation, all money received by the Department of Public Safety, Bureau of State Police under this section must be paid to the Treasurer of State, who shall apply the money to the expenses incurred by the Department of Public Safety in the administration of this section.

[PL 2025, c. 611, §9 (NEW).]

4. Fees. The fee for a criminal history record check under this section may not be less than \$31 or more than \$60. The fee must be paid by the applicant, registrant or registrant agent, except that if the applicant, registrant or registrant agent is a business entity, the fee must be paid by the business entity for any officer or director required to submit to a criminal history record check under this section.

[PL 2025, c. 611, §9 (NEW).]

5. Availability of criminal history record information. The subject of a Federal Bureau of Investigation criminal history record check pursuant to this section 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 pursuant to this section may inspect and review the criminal history record information pursuant to Title 16, section 709.

[PL 2025, c. 611, §9 (NEW).]

6. Use of criminal history record information. State and national criminal history record information obtained by the department under this section may be used only for the purpose of

screening an applicant for a registry identification card or registration certificate, a registrant or a registrant agent under this chapter.

[PL 2025, c. 611, §9 (NEW).]

7. Confidentiality. All criminal history record information obtained by the department pursuant to this section is confidential, is for the official use of the department only and may not be disseminated outside of the department or disclosed to any other person or entity except as provided in subsection 5. [PL 2025, c. 611, §9 (NEW).]

8. Rules. The department, after consultation with the Department of Public Safety, Bureau of State Police, State Bureau of Identification, shall adopt rules to implement this section. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2025, c. 611, §9 (NEW).]

SECTION HISTORY

PL 2025, c. 611, §9 (NEW).

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