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STATE OF MAINE
ONE HUNDRED AND TWENTY-NINTH LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT

TO: Senator Catherine E. Breen, Senate Chair
Representative Drew Gattine, House Chair
Joint Standing Committee on Appropriations and Financial Affairs

FROM: Senator Ned Claxton, Senate Chair *nc*
Representative Roland D. Martin, House Chair *RD*
Joint Standing Committee on State and Local Government

DATE: March 4, 2020

Re: Committee Recommendations on the Governor's Proposed Supplemental Budget
Bill (LR 3206)

We are writing to provide the recommendations of the Joint Standing Committee on State and Local Government on those portions of the Governor's proposed Biennial Budget Bill (LD 1001) that are under the committee's jurisdiction. We have reviewed and discussed these initiatives and appreciate your consideration of our recommendations and comments.

INITIATIVES

The committee voted unanimously to move IN all budget initiatives under the committee's jurisdiction with the **following exceptions:**

The committee voted, by a 6-2 vote, to move IN:

- Bureau of General Services, Capital Construction and Improvement Reserve Fund - Department of Administrative and Financial Services 0883

The committee voted, by a 7-3 vote, to move IN:

- Information Services - Department of Administrative and Financial Services 0155; and
- Audit Bureau - Auditor, Office of the State 0067 (General Fund allocation of \$9,600 in FY 2019-20 and \$0 in FY 2020-21)

The committee voted, by a 7-2 vote, to move **IN**:

- Audit Bureau - Auditor, Office of the State 0067 (General Fund allocation of \$5,118 in FY 2019-20 and \$6,702 in FY 2020-21)

LANGUAGE PARTS

The committee voted unanimously to move **IN** all Language Parts under the committee's jurisdiction with the **following exceptions and recommendations**:

The committee voted 7-3 to move **IN**:

- Part G

The committee recommends that Part S, Sec. S-4 be amended as indicated in the attached document. This amendment brings Part S language into alignment with the standard language for laws permitting criminal history record checks. This standard language was most recently enacted in 2 laws from the 1st Regular Session that permit criminal history record checks, LD 1340 and 1801.

The committee also notes that 5 MRSA §1982-A, sub-§5 in Part S requires a public records exception request be submitted to the Judiciary Committee pursuant to 1 MRSA §434.

Thank you for your consideration of our recommendations.

The amendments to Part S, Sec. S-4 are highlighted in yellow.

5 MRSA §1982-A is enacted to read:

§1982-A, Criminal history record checks for current and prospective employees, contractors and contractor employees.

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Federal Bureau of Investigation" means the United States Department of Justice, Federal Bureau of Investigation.

B. "State Police" means the Department of Public Safety, Bureau of State Police.

2. Criminal history; information about criminal records and data obtained. The office shall obtain, in print or electronic format, criminal history record information containing a record of public criminal history record information as defined in Title 16, section 703, subsection 8 from the Maine Criminal Justice Information System created pursuant to Title 16, section 631, and the Federal Bureau of Investigation for any person employed by or who may be offered employment by the office, or who is employed by or may be offered employment by an office contractor or subcontractor in order to comply with the United States Internal Revenue Service's tax information security guidelines for federal, state and local agencies.

3. Fingerprint-based criminal history obtained. A person employed by the office or a person who is employed by an office contractor or subcontract shall consent to having the person's fingerprints taken. A person who may be offered employment by the office or by an office contractor or subcontractor shall consent to and have the person's fingerprints taken prior to being employed by the office. The State Police shall take or cause to be taken the fingerprints of a person who has consented under this subsection and shall forward the fingerprints to the Department of Public Safety so that the department may conduct a state and national criminal history record check on the person. The department shall forward the results obtained to the office. The fee charged to the office by the State Police must be consistent with the fee charged to executive branch agencies receiving similar services. Except for the portion of the payment that constitutes the processing fee charged by the Federal Bureau of Investigation, all money received by the State Police under this subsection must be paid to the Treasurer of State, who shall apply the money to the expenses of administration of this section by the department.

4. Updates to information. The fingerprint-based criminal history record check must be conducted at least once every 5 years as if the office determines that appropriate or as required under federal regulation. The office may request continuous notifications of updated criminal history record information if a service providing notifications of updated criminal history record information becomes available.

5. Confidentiality. Information obtained pursuant to this section is confidential and may not be disseminated for purposes other than as provided in subsection 6 and 7.

6. Use of information obtained. Criminal history record information obtained pursuant to this section may only be used by the office for employment purposes to screen an employee, a person who may be offered employment by the office, an employee of an office contractor or subcontractor or a person

who may be offered employment by an office contractor or subcontractor. The subject of any criminal history record check search under subsection 3 may contest any negative decision made by the office based upon the information received pursuant to the criminal history record check.

7. Person's access to information obtained. A person subject to a criminal history record check pursuant to subsection 3 must be notified each time a criminal history record check is performed on the person. A person subject to a criminal history record check under subsection 3 may inspect and review the criminal history record information pursuant to Title 16, section 709 and obtain federal information obtained pursuant to the criminal history record check by following the procedures outlined in 28 Code of Federal Regulations, Sections 16.32 and 16.33.

8. Right of subject to remove fingerprints from record. Upon request from a person subject to a criminal history record check pursuant to subsection 3, the Department of Public Safety shall remove the person's fingerprints from the department's records and provide written confirmation of the removal to the person.

9. Refusal to consent. The office or an office contractor or subcontractor may not employ or utilize a person who does not consent to the criminal history record check under this section in a position for which a criminal history record check is required pursuant to subsection 2.

Sec. A-1. Appropriations and allocations. The following appropriations and allocations are made.
ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Budget - Bureau of the 0055

Initiative: Provides funding for operating expenditures for the Bureau of the Budget.

Ref. #: _____ Committee Vote: IN Unan AFA Vote: _____

GENERAL FUND	2018-19	2019-20	2020-21
All Other	\$0	\$28,000	\$28,000
GENERAL FUND TOTAL	\$0	\$28,000	\$28,000

Justification:

This request provides All Other funding for operating expenditures for the Bureau of Budget. The All Other appropriation for the Bureau of Budget is \$24,726 lower in FY20 than it was in FY10 and has remained flat since 2014.

Buildings and Grounds Operations 0080

Initiative: Provides funding for the approved reclassification of 9 Boiler Engineer positions to Plant Maintenance Engineer I positions effective June 13, 2019.

Ref. #: _____ Committee Vote: IN Unan AFA Vote: _____

GENERAL FUND	2018-19	2019-20	2020-21
Personal Services	\$0	\$21,784	\$39,894
GENERAL FUND TOTAL	\$0	\$21,784	\$39,894

Justification:

The Bureau of Human Resources approved the reclassification of 9 Boiler Engineer positions to Plant Maintenance Engineer I positions.

Buildings and Grounds Operations 0080

Initiative: Reallocates the costs of one Institutional Custodial Worker position from 50% Highway Fund and 50% Real Property Lease Internal Service Fund to 100% Highway Fund within the same program.

Ref. #: _____ Committee Vote: IN Unan AFA Vote: _____

REAL PROPERTY LEASE INTERNAL SERVICE FUND	2018-19	2019-20	2020-21
Personal Services	\$0	(\$27,372)	(\$28,305)
REAL PROPERTY LEASE INTERNAL SERVICE FUND TOTAL	\$0	(\$27,372)	(\$28,305)

Justification:

This request reallocates the costs of one Institutional Custodial Worker position in order to align the funding with the actual work being performed.

Bureau of General Services - Capital Construction and Improvement Reserve Fund 0883

Initiative: Provides funding for maintenance and repair of state facilities.

Ref. #: _____ Committee Vote: IN 6-2 AFA Vote: _____

GENERAL FUND	2018-19	2019-20	2020-21
All Other	\$0	\$3,000,000	\$3,000,000
GENERAL FUND TOTAL	\$0	\$3,000,000	\$3,000,000

Justification:

Public Law 2015, chapter 267, Part L-8 amended the statute which prioritized year end transfers of excess General Fund revenues eliminating the transfer to the Capital Construction and Improvements Reserve Fund. Prior to this law, at each year end following the transfers to the State Contingent Account, the Loan Insurance Reserve, and transfers pursuant to 5 MRSA section 1522, 10% of the remaining excess revenues were transferred to the Capital Construction and Improvements Reserve Fund. These funds were used to support necessary projects and improvements related to state owned properties. An appropriation of \$3,000,000 was included both 2015-16 and 2016-17 in the Capital Expenditures line category. These funds were not appropriated beyond fiscal year 2017.

Central Administrative Applications Z234

Initiative: Provides funding for the human resources management system.

Ref. #: _____ Committee Vote: IN Unan AFA Vote: _____

GENERAL FUND	2018-19	2019-20	2020-21
All Other	\$0	\$1,900,000	\$1,300,000
GENERAL FUND TOTAL	\$0	\$1,900,000	\$1,300,000

Justification:

This request provides funding for the Workday Human Resources Management System to cover increased costs associated with the delayed implementation date. These funds will be used to cover Workday change orders and contractor expenditures associated with the delayed implementation date.

Financial and Personnel Services - Division of 0713

Initiative: Establishes one Public Service Manager I position to assist the Department of Corrections with recruitment and retention issues at the Maine Correctional Center.

Ref. #: _____ Committee Vote: IN Unan AFA Vote: _____

FINANCIAL AND PERSONNEL SERVICES FUND	2018-19	2019-20	2020-21
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POSITIONS - LEGISLATIVE COUNT	0.000	1.000	1.000
Personal Services	\$0	\$24,354	\$102,108
FINANCIAL AND PERSONNEL SERVICES FUND TOTAL	\$0	\$24,354	\$102,108

Justification:

This request establishes one Public Service Manager I position within the Department of Corrections Service Center to help coordinate and manage compensation, recruitment activities, investigations, employee relations and arbitrations.

Financial and Personnel Services - Division of 0713

Initiative: Provides funding for the proposed reorganization of one Clerk IV position to a Staff Accountant position, one Management Analyst I position to a Management Analyst II position and one Public Service Coordinator I position to a Public Service Manager II position within the Financial and Personnel Services - Division of program, Financial and Personnel Services Fund and reduces All Other to fund the reorganization.

Ref. #: _____ Committee Vote: IN Ugan AFA Vote: _____

FINANCIAL AND PERSONNEL SERVICES FUND	2018-19	2019-20	2020-21
Personal Services	\$0	\$17,520	\$18,631
All Other	\$0	(\$17,520)	(\$18,631)
FINANCIAL AND PERSONNEL SERVICES FUND TOTAL	\$0	\$0	\$0

Justification:

This initiative reorganizes multiple positions at the Department of Health and Human Services Service Center to align with the positions' responsibilities. The reorganizations are proposed and not yet approved by the Bureau of Human Resources.

Information Services 0155

Initiative: Establishes 4 Senior Technical Support Specialist positions, 7 Technical Support Specialist positions, 2 Programmer Analyst positions, 2 Public Service Coordinator II positions and 2 Information System Support Specialist II positions and provides necessary All Other for information security enhancements.

Ref. #: _____ Committee Vote: IN 7-3 AFA Vote: _____

GENERAL FUND	2018-19	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	0.000	16.000	17.000
Personal Services	\$0	\$409,549	\$1,836,067
All Other	\$0	\$1,748,821	\$2,566,295
GENERAL FUND TOTAL	\$0	\$2,158,370	\$4,402,362

Justification:

This initiative provides funding for information security enhancements to defend against sophisticated nation-state teams seeking to profit and disrupt through exploitation of government systems. These recommended improvements would assist in all three areas of prevention, response, and training and awareness.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

DEPARTMENT TOTALS	2018-19	2019-20	2020-21
GENERAL FUND	\$0	\$7,108,154	\$8,770,256
FINANCIAL AND PERSONNEL SERVICES FUND	\$0	\$24,354	\$102,108
REAL PROPERTY LEASE INTERNAL SERVICE FUND	\$0	(\$27,372)	(\$28,305)
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$7,105,136	\$8,844,059

Sec. A-4. Appropriations and allocations. The following appropriations and allocations are made.

AUDITOR, OFFICE OF THE STATE

Audit Bureau 0067

Initiative: Provides funding for operating expenditures for the Office of the State Auditor.

Ref. #: _____ Committee Vote: IN 7-2 AFA Vote: _____

GENERAL FUND	2018-19	2019-20	2020-21
All Other	\$0	\$5,118	\$6,702
GENERAL FUND TOTAL	\$0	\$5,118	\$6,702

Ref. #: _____ Committee Vote: IN 7-2 AFA Vote: _____

OTHER SPECIAL REVENUE FUNDS	2018-19	2019-20	2020-21
All Other	\$0	\$11,882	\$12,673
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$11,882	\$12,673

Justification:

This initiative provides and increases funding for the cost of technology used by the Office of the State Auditor, including services provided by the Office of Information Technology (OIT). The initiative contains additional funding for OIT processing resources related to data analytics that are inconsistent with the original startup plan approved with the biennium budget, including the cost of a remote desktop processing arrangement, acquisition of laptops dedicated solely to running data analytics, and portable IT equipment. This request also provides funding for OSA's cost of a dedicated OIT Technology Business Consultant and funding for website design services and for the lease of a color copier/printer for printing reports for the Department of Audit and the Unorganized Territory.

Audit Bureau 0067

Initiative: Provides one-time funding for 32 height-adjustable workstations, modification of one existing height-adjustable workstation and other miscellaneous equipment.

Ref. #: _____ One Time _____ Committee Vote: IN 7-2 AFA Vote: _____

GENERAL FUND	2018-19	2019-20	2020-21
All Other	\$0	\$9,600	\$0
GENERAL FUND TOTAL	\$0	\$9,600	\$0

Ref. #: _____ One Time _____ Committee Vote: IN 7-2 AFA Vote: _____

OTHER SPECIAL REVENUE FUNDS	2018-19	2019-20	2020-21
All Other	\$0	\$10,895	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$10,895	\$0

Justification:

The Office of the State Auditor is scheduled to move to a new building in April 2020. Management (Senior Staff) of the Office of the State Auditor observes that height adjustable workstations improve employee effectiveness, focus and efficiency. This Initiative is consistent with Maine Revised Statutes, Title 5, section 242. Height adjustable workstations allow for ergonomic adjustments to more easily fit the workstation to the employee and prevents potential safety hazards or injury. Replace existing break room equipment that is old and inefficient and should not be moved when our office is relocated to 19 Union Street. Equipment will be replaced with energy efficient models.

Unorganized Territory 0075

Initiative: Provides one-time funding for 32 height-adjustable workstations, modification of one existing height-adjustable workstation and other miscellaneous equipment.

Ref. #: One Time Committee Vote: IN Unan AFA Vote: _____

OTHER SPECIAL REVENUE FUNDS	2018-19	2019-20	2020-21
All Other	\$0	\$779	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$779</u>	<u>\$0</u>

Justification:

The Office of the State Auditor is scheduled to move to a new building in April 2020. Management (Senior Staff) of the Office of the State Auditor observes that height adjustable workstations improve employee effectiveness, focus and efficiency. This Initiative is consistent with Maine Revised Statutes, Title 5, section 242. Height adjustable workstations allow for ergonomic adjustments to more easily fit the workstation to the employee and prevents potential safety hazards or injury. Replace existing break room equipment that is old and inefficient and should not be moved when our office is relocated to 19 Union Street. Equipment will be replaced with energy efficient models.

AUDITOR, OFFICE OF THE STATE

DEPARTMENT TOTALS	2018-19	2019-20	2020-21
GENERAL FUND	\$0	\$14,718	\$6,702
OTHER SPECIAL REVENUE FUNDS	\$0	\$23,556	\$12,673
DEPARTMENT TOTAL - ALL FUNDS	<u>\$0</u>	<u>\$38,274</u>	<u>\$19,375</u>

Sec. A-29. Appropriations and allocations. The following appropriations and allocations are made.

SECRETARY OF STATE, DEPARTMENT OF

Administration - Archives 0050

Initiative: Provides funding for a federal grant from the National Historical Publications and Records Commission.

Ref. #: _____ Committee Vote: IN Unan AFA Vote: _____

FEDERAL EXPENDITURES FUND	2018-19	2019-20	2020-21
All Other	\$0	\$0	\$18,796
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$0	\$18,796

Justification:

To provide funding for a contracted worker to assist in the preparation and digitizing of 42,000 pages from the unpublished Journals of the Maine House of Representatives and the Maine Senate starting with statehood in 1820 through 1865. This project is an opportunity to preserve and provide access to historical documents. Project award period is August 1, 2019 to July 31, 2021.

Administration - Archives 0050

Initiative: Provides funding for the approved reorganization of one Inventory and Property Associate I position to an Inventory and Property Associate II position and related All Other costs.

Ref. #: _____ Committee Vote: IN Unan AFA Vote: _____

GENERAL FUND	2018-19	2019-20	2020-21
Personal Services	\$0	\$1,192	\$4,416
All Other	\$0	\$79	\$293
GENERAL FUND TOTAL	\$0	\$1,271	\$4,709

Justification:

This management initiated reorganization from Inventory and Property Associate I, range 11 to an Inventory and Property Associate II, range 14 was approved by the Bureau of Human Resources on August 23, 2019.

Bureau of Administrative Services and Corporations 0692

~~Initiative: Provides one-time funding for the June 2020 state primary and ongoing funding for software, tabulators and courier services for ranked choice voting for the June 2020 primary and the November 2020 general election.~~

Ref. #: _____ One Time _____ Committee Vote: - AFA Vote: -

GENERAL FUND	2018-19	2019-20	2020-21
All Other	\$0	\$350,000	\$100,000
GENERAL FUND TOTAL	\$0	\$350,000	\$100,000

PART D SLG: IN Unan

Sec. D-1. PL 2019, c. 343, Part P is amended to read:

Sec. P-1. Department of Administrative and Financial Services; lease-purchase authorization. Pursuant to the Maine Revised Statutes, Title 5, section 1587, the Department of Administrative and Financial Services, in cooperation with the Treasurer of State, may enter into financing agreements in fiscal years 2019-20 and 2020-21 for the acquisition of motor vehicles for the Central Fleet Management Division. The financing agreements entered into in each fiscal year may not exceed ~~\$5,500,000~~ 7,200,000 in principal costs, and a financing agreement may not exceed 4 years in duration. The interest rate may not exceed 5%. The annual principal and interest costs must be paid from the appropriate line category allocations in the Central Fleet Management Division account.

PART F SLG: IN - Unan

Sec. F-1. 4 MRSA §1610-M is enacted to read:

§ 1610-M. Additional securities

Notwithstanding any limitation on the amount of securities that may be issued pursuant to section 1606, subsection 2, the authority may issue additional securities in an amount not to exceed \$14,100,000 outstanding at any one time for capital repairs and improvements to state-owned facilities and hazardous waste cleanup on state-owned properties and not to exceed \$8,200,000 outstanding at any one time for mechanical, electrical, plumbing, other building system upgrades, and any associated hazardous waste clean up to Curtis Hall at the Maine Maritime Academy.

Sec. F-2. Maine Governmental Facilities Authority; issuance of securities. Pursuant to the Maine Revised Statutes, Title 4, section 1606, subsection 2 and section 1610-M, and notwithstanding the limitation contained in Maine Revised Statutes, Title 4, section 1606, subsection 2 regarding the amount of securities that may be issued, the Maine Governmental Facilities Authority is authorized to issue securities in its own name in an amount up to \$22,300,000. Proceeds must be used for the purpose of paying the costs associated with capital repairs and improvements to and construction of state-owned facilities and hazardous waste cleanup on state-owned properties as designated by the Commissioner of Administrative and Financial Services.

PART F SUMMARY

This Part authorizes the Maine Governmental Facilities Authority to issue additional securities up to an amount of \$22,300,000 to pay for the costs of capital repairs and improvements to and construction of state-owned facilities and hazardous waste cleanup on state-owned properties.

PART G *SLG: IN 7-3*

Sec. G-1. 5 MRSA §8, as amended by PL 2007, c. 240, Part SSS §1 and affected by §16, is further amended to read:

§8. Mileage allowance

The State shall pay for the use of privately owned automobiles for travel by employees of the State in the business of the State such reimbursement as agreed to between the State and their certified or recognized bargaining agent. For employees and state officers and officials not subject to any such agreement, the State shall pay 36¢ per mile effective January 1, 2006, 38¢ per mile effective January 1, 2007, 40¢ per mile effective July 1, 2007, 42¢ per mile effective July 1, 2008, and 44¢ per mile effective January 1, 2009, and effective July 1, 2020 the lower of the rate included in the bargaining agreement representing the most employees or the federal rate of reimbursement, ~~whichever is lower~~, for miles actually traveled on state business. The Governor may suspend the operation of this section and require state officials and employees to travel in automobiles owned or controlled by the State, if such automobiles are available.

PART G SUMMARY

This Part updates the mileage rate paid to employees and state officers and officials not subject to a bargaining agreement to either the rate included in the bargaining agreement representing the most employees or the federal rate of reimbursement, whichever is lower. This change will be effective July 1, 2020.

PART I SLG: IN Unan

Sec. I-2. Department of Administrative and Financial Services; lease-purchase authorization. Pursuant to the Maine Revised Statutes, Title 5, section 1587, the Department of Administrative and Financial Services, in cooperation with the Treasurer of State, may enter into financing agreements in fiscal years 2019-20 and 2020-21 for the acquisition of hardware, software, and systems to support the operations of the Statewide Radio and Network System Reserve Fund, established in Title 5, section 1520. The financing agreements entered into in each fiscal year may not exceed \$5,000,000 in principal costs, and a financing agreement may not exceed 7 years in duration. The interest rate may not exceed 5%. Annual principal and interest costs must be paid from the Office of Information Technology, Statewide Radio and Network System Reserve Fund.

PART I
SUMMARY

This Part authorizes the Department of Administrative and Financial Services to enter into financing arrangements in fiscal years 2019-20 and 2020-21 for the acquisition of hardware, software, and systems to support the operations of the Statewide Radio and Network System Reserve Fund.

PART S SLG: IN Unan

Sec. S-1. 25 MRSA §1542-A, sub-§1, ¶U is enacted to read:

U. Who is required to have a criminal history record check under Title 5, section 1982-A.

Sec. S-2. 25 MRSA §1542-A, sub-§3, ¶T, is enacted to read:

T. The State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph U, at the request of that person or the Department of Administrative and Financial Services, Office of Information Technology, and upon payment of the expenses as provided under Title 5, section 1982-A.

Sec. S-3. Sec. 6. 25 MRSA §1542-A, sub-§4, is further amended to read:

4. Duty to submit to State Bureau of Identification. It is the duty of the law enforcement agency taking the fingerprints as required by subsection 3, paragraphs A, B and G to transmit immediately to the State Bureau of Identification the criminal fingerprint record. Fingerprints taken pursuant to subsection 1, paragraph C, D, E or F or pursuant to subsection 5 may not be submitted to the State Bureau of Identification unless an express request is made by the commanding officer of the State Bureau of Identification. Fingerprints taken pursuant to subsection 1, paragraph G must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the

Department of Education. The bureau may not use the fingerprints for any purpose other than that provided for under Title 20-A, section 6103. The bureau shall retain the fingerprints, except as provided under Title 20-A, section 6103, subsection 9. Fingerprints taken pursuant to subsection 1, paragraph I and subsection 3, paragraph I must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the court and the Department of Public Safety, Gambling Control Board, respectively. Fingerprints taken pursuant to subsection 1, paragraph J or S must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Department of Administrative and Financial Services. Fingerprints taken pursuant to subsection 1, paragraph P must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Board of Osteopathic Licensure, established in Title 32, chapter 36. Fingerprints taken pursuant to subsection 1, paragraph N must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Board of Licensure in Medicine, established in Title 32, chapter 48. Fingerprints taken pursuant to subsection 1, paragraph Q must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the State Board of Nursing, established in Title 32, chapter 31. Fingerprints taken pursuant to subsection 1, paragraph O must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks under Title 28-B, section 204. Fingerprints taken pursuant to subsection 1, paragraph R must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Department of Health and Human Services. Fingerprints taken pursuant to subsection 1, paragraph U must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Department of Administrative and Financial Services, Office of Information Technology.

Sec. S-4. 5 MRSA §1982-A is enacted to read:

§1982-A. Criminal history record information for employees and contractors

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

- A. "Federal Bureau of Investigation" means the United States Department of Justice, Federal Bureau of Investigation.
- B. "State Police" means the Department of Public Safety, Bureau of State Police.

2. Background investigation requirements. The office shall perform fingerprint-based criminal history record checks for any person employed by the office, who may be offered employment by the office or who is employed by or may be offered employment by an office contractor or subcontractor to satisfy federal statutory and regulatory background investigation requirements, including but not limited to those established by the United States Internal Revenue Service's tax information security guidelines for federal, state and local agencies, and the Federal Bureau of Investigation, Criminal Justice Information Services Division's information security requirements for criminal history record information used for noncriminal justice purposes.

The criminal history record checks must include fingerprinting and obtaining national criminal history record information from the Federal Bureau of Investigation.

3. Fingerprint-based criminal history obtained. A person employed by the office or a person who is employed by an office contractor or subcontractor shall consent to and have the person's fingerprints taken. A person who may be offered employment by the office or by an office contractor or subcontractor shall consent to and have the person's fingerprints taken prior to being employed by the office or by an office contractor or subcontractor. The State Police shall take or cause to be taken the fingerprints of a person who has consented under this subsection and shall forward the fingerprints to the Department of Public Safety so that the Department of Public Safety may conduct a state and national criminal history record check on the person. The Department of Public Safety shall forward the results obtained to the office. The fee charged to the office by the State Police must be consistent with the fee charged to executive branch agencies receiving similar services. Except for the portion of the payment that constitutes the processing fee charged by the Federal Bureau of Investigation, all money received by the State Police under this subsection must be paid to the Treasurer of State, who shall apply the money to the expenses of administration of this section by the Department of Public Safety.

4. Updates to information. The fingerprint-based criminal history record check under subsection 3 must be conducted at least once every 5 years as the office determines appropriate, or as required under federal regulations. The office may request continuous notifications of updated criminal history record information if a service providing notifications of updated criminal history record information becomes available.

5. Confidentiality. Information obtained pursuant to this section is confidential and may not be disseminated for purposes other than as provided in subsections 6 and 7.

6. Use of information obtained. Criminal history record information obtained pursuant to this section may be used by the office for employment purposes only. The information must only be used for making decisions regarding the suitability of a person described in this section for new or continued employment with the office. The subject of any criminal history record check under this section may contest any negative decision made by the office based upon the information received pursuant to the criminal history record check.

7. Person's access to information obtained. A person subject to the criminal history record check pursuant to subsection 3 must be notified each time a criminal history record check is performed on the person. A person subject to the background check under subsection 3 may inspect and review the criminal history record information pursuant to Title 16, section 709 and obtain federal information obtained pursuant to the criminal history record check by following the procedures outlined in 28 Code of Federal Regulations, Sections 16.32 and 16.33.

8. Right of subject to remove fingerprints from record. Upon request from a person subject to a criminal history record check pursuant to subsection 3, the Department of Public Safety shall remove the person's fingerprints from the Department of Public Safety's records and provide written confirmation of the removal to the person.

9. Refusal to consent. The office may not employ or utilize a person who has refused to consent to the background investigation requirements under this section in a position for which such background investigations are required under sub-section 2.

PART S SUMMARY

This Part implements criminal history record checks for certain individuals with access to Federal Tax Information and other federally-protected data types at the Department of Administrative and Financial Services, Office of Information Technology. The criminal history record checks will apply to all new applicants, all current employees, contractors or subcontractors to ensure compliance with federal laws and regulations governing access to federally-protected data types, including, but not limited to the Internal Revenue Service's criminal history record check requirements for all employees and contractors with access to federal tax information and the Federal Bureau of Investigation's Criminal Justice Information Services Division.