§204. Criminal history record check

The office shall request a criminal history record check for each applicant for an initial license under this chapter and for each licensee every 2 years thereafter. If the applicant or licensee is a business entity, every principal of the business entity 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 obtained from the Maine Criminal Justice Information System established in Title 16, section 631 and the Federal Bureau of Investigation. [PL 2023, c. 679, Pt. B, §28 (AMD).]

1. Record of public criminal history 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 2017, c. 409, Pt. A, §6 (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 2017, c. 409, Pt. A, §6 (NEW).]

3. Fingerprinting. An individual required to submit to a criminal history record check under this section shall submit to having the individual's fingerprints taken. The State Police, upon payment by the individual of the fee required under subsection 4, shall take or cause to be taken the individual'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 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 2017, c. 409, Pt. A, §6 (NEW).]

4. Fees. The office shall by rule set the amount of the fee to be paid by an individual under subsection 3 for each criminal history record check required to be performed under this section.
[PL 2023, c. 679, Pt. B, §29 (AMD).]

5. Availability of criminal history record information. 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. 409, Pt. A, §6 (NEW).]

6. Use of criminal history record information. State and national criminal history record information obtained by the office under this section may be used only for the purpose of screening an applicant for a license or a licensee under this chapter or as necessary for the issuance of an individual identification card under section 106.
[PL 2023, c. 679, Pt. B, §30 (AMD).]

7. Confidentiality. All criminal history record information obtained by the office pursuant to this section is confidential, is for the official use of the office only and may not be disseminated outside of the office or disclosed to any other person or entity except as provided in subsection 5.
[PL 2023, c. 679, Pt. B, §31 (AMD).]

8. Rules. The office, after consultation with the Department of Public Safety, Bureau of State Police, State Bureau of Identification, shall adopt rules to implement this section.

[PL 2023, c. 679, Pt. B, §32 (AMD).]

SECTION HISTORY

PL 2017, c. 409, Pt. A, §6 (NEW). PL 2023, c. 679, Pt. B, §§28-32 (AMD).

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