

§2111. Criminal history record checks for Department of Health and Human Services employees, applicants for employment, contractors and subcontractors

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. [PL 2019, c. 402, §1 (NEW).]

B. "State Police" means the Department of Public Safety, Bureau of State Police. [PL 2019, c. 402, §1 (NEW).]

[PL 2019, c. 402, §1 (NEW).]

2. Criminal history; information about criminal records and data obtained. The department 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, established pursuant to Title 16, section 631, and the Federal Bureau of Investigation, for any person employed by the department, who may be offered employment by the department or who is employed by or may be offered employment by a department 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.

[PL 2019, c. 402, §1 (NEW).]

3. Fingerprint-based criminal history obtained. A person employed by the department or a person who is employed by a department contractor or subcontractor shall consent to and have the person's fingerprints taken. A person who may be offered employment by the department or by a department contractor or subcontractor shall consent to and have the person's fingerprints taken prior to being employed by the department or by a department 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 department. The fee charged to the department 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.

[PL 2019, c. 402, §1 (NEW).]

4. Updates to information. The department may request a subsequent criminal history record check under subsection 3 on an employee, a person who has been offered employment by the department, an employee of a department contractor or subcontractor or a person who has been offered employment by a department contractor or subcontractor as the department determines appropriate, including continuous notifications of updated criminal history record information if a service providing notifications of updated criminal history record information becomes available.

[PL 2019, c. 402, §1 (NEW).]

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.

[PL 2019, c. 402, §1 (NEW).]

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

The subject of any criminal history record check under subsection 3 may contest any negative decision made by the department based upon the information received pursuant to the criminal history record check.

[PL 2019, c. 402, §1 (NEW).]

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.

[PL 2019, c. 402, §1 (NEW).]

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.

[PL 2019, c. 402, §1 (NEW).]

SECTION HISTORY

PL 2019, c. 402, §1 (NEW).

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