

129th MAINE LEGISLATURE

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Legislative Document

No. 724

H.P. 529

House of Representatives, February 11, 2019

An Act To Amend the Maine Background Check Center Act To Provide Employers Flexibility To Use Approved Alternate Vendors

(EMERGENCY)

Reference to the Committee on Health and Human Services suggested and ordered printed.

R(+ B. Hunt

ROBERT B. HUNT Clerk

Presented by Representative FAY of Raymond. Cosponsored by Senator HERBIG of Waldo and Representatives: AUSTIN of Gray, COREY of Windham, DENNO of Cumberland, FARNSWORTH of Portland, MASTRACCIO of Sanford, MEYER of Eliot.

- 1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not 2 become effective until 90 days after adjournment unless enacted as emergencies; and
- 3 **Whereas,** this legislation must take effect within the 90-day period in order to help 4 ensure public safety; and
- 5 **Whereas,** in the judgment of the Legislature, these facts create an emergency within 6 the meaning of the Constitution of Maine and require the following legislation as 7 immediately necessary for the preservation of the public peace, health and safety; now, 8 therefore,
- 9 Be it enacted by the People of the State of Maine as follows:
- Sec. 1. 22 MRSA §9054, sub-§2, as enacted by PL 2015, c. 299, §25, is amended to read:

Employer obligations. An employer subject to this chapter shall use the 12 2. Background Check Center to conduct a comprehensive background check that includes a 13 14 criminal history records check for all direct access workers. The employer shall comply with the requirements of this chapter when making employment-related decisions for 15 direct access workers. Notwithstanding any other law or rule to the contrary, an 16 17 employer at any time may apply for and obtain approval from the department to use an approved alternate vendor instead of the Background Check Center as long as all other 18 19 laws and rules under this chapter pertaining to the use of alternate vendors are complied with in order for the employer to obtain approval. 20

21 **Emergency clause.** In view of the emergency cited in the preamble, this 22 legislation takes effect when approved.

23 SUMMARY

This bill allows an employer seeking to conduct a comprehensive background check for a direct access worker under the Maine Background Check Center Act to apply for and obtain at any time from the Department of Health and Human Services approval to use an approved alternate vendor instead of the Background Check Center as long as all other laws and rules pertaining to the use of alternate vendors are complied with in order for the employer to obtain approval.