

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2006

Legislative Document

No. 1861

H.P. 1301

House of Representatives, January 3, 2006

**An Act To Improve the Ability of the Department of Corrections To
Share Information Related to Clients in Order To Improve
Treatment and Rehabilitative Services**

Submitted by the Department of Corrections pursuant to Joint Rule 204.

Received by the Clerk of the House on December 28, 2005. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative GROSE of Woolwich.

Cosponsored by Representatives: MILLER of Somerville, WEBSTER of Freeport.

Be it enacted by the People of the State of Maine as follows:

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Sec. 1. 15 MRSA §3301, sub-§6-A, as amended by PL 1999, c. 260, Pt. A, §8, is further amended to read:

6-A. Records confidential. Except as otherwise provided in this Title, information contained in records pertaining to a juvenile against whom a juvenile petition has not been filed is confidential unless the juvenile, and the juvenile's parents, guardian or legal custodian if the juvenile is not emancipated, has given informed written consent to the disclosure of the records.

This subsection does not preclude the release of the identity of a juvenile on conditional release pursuant to section 3203-A or on informal adjustment pursuant to this section to a criminal justice agency for the administration of juvenile criminal justice or to the Department of Health and Human Services if necessary to carry out the statutory functions of that agency.

Sec. 2. 34-A MRSA §1216, sub-§1, ¶E, as enacted by PL 2003, c. 205, §10, is amended to read:

E. To persons engaged in research if:

- (1) The research plan is first submitted to and approved by the commissioner;
- (2) The disclosure is approved by the commissioner; and
- (3) Neither original records nor identifying data are removed from the facility or office that prepared the records.

The commissioner and the person doing the research shall preserve the anonymity of the person receiving services from the department and may not disseminate data that refer to that person by name or number or in any other way that might lead to the person's identification; ~~ex~~

Sec. 3. 34-A MRSA §1216, sub-§1, ¶F, as enacted by PL 2003, c. 205, §10, is amended to read:

F. To persons who directly supervise or report on the health, behavior or progress of a juvenile, to the superintendent of a juvenile's school and the superintendent's designees and to agencies that are or might become responsible for the health or welfare of a juvenile if the information is relevant to and disseminated for the purpose of creating or maintaining an individualized plan for the juvenile's rehabilitation, including reintegration into the school; or

2 **Sec. 4. 34-A MRSA §1216, sub-§1, ¶G** is enacted to read:

4 G. To any state agency engaged in statistical analysis for
6 the purpose of improving the delivery of services to persons
8 who are or might become mutual clients if:

10 (1) The plan for the statistical analysis is first
12 submitted to and approved by the commissioner; and

14 (2) The disclosure is approved by the commissioner.

16 The commissioner and the state agency requesting the
18 information shall preserve the anonymity of the persons
20 receiving services from the department and may not
22 disseminate data that refer to any person by name or number
24 or that in any other way might lead to a person's
26 identification.

28 **SUMMARY**

This bill will allow the Department of Corrections to share information regarding clients in order to improve the overall delivery of services to clients and to assist in the placement of preadjudicated juveniles as an alternative to detention.