

# MAINE STATE LEGISLATURE

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# 132nd MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2025

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Legislative Document

No. 1922

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H.P. 1283

House of Representatives, May 6, 2025

**An Act to Support Workforce Development for Families That Were Involved in Child Protective Activities by Requiring the Sealing of Certain Records**

(EMERGENCY)

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative 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 needs to take effect before the expiration of the 90-day  
4 period in order to alleviate barriers to employment as soon as possible by requiring the  
5 sealing of certain records; and

6           **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
7 the meaning of the Constitution of Maine and require the following legislation as  
8 immediately necessary for the preservation of the public peace, health and safety; now,  
9 therefore,

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

11           **Sec. 1. 22 MRSA §4008-B** is enacted to read:

12 **§4008-B. Sealing reports**

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

15           A. "Sealing records" means sealing records so that the records are rendered  
16 inaccessible to the public but are retained by the department for internal use, such as  
17 compliance with legal obligations, future child protective investigations or other  
18 legitimate governmental purposes.

19           B. "Serious physical injury" includes, but is not limited to:

20                   (1) Broken bones or fractures;

21                   (2) Adult-sized human bites;

22                   (3) Cases involving children who have been tortured, tied or confined;

23                   (4) Suspicious burns or head injuries or significant injuries with an implausible  
24 explanation; or

25                   (5) A physical injury that:

26                           (a) Creates a substantial risk of death;

27                           (b) Causes serious and protracted impairment of health; or

28                           (c) Causes protracted loss or impairment of the function of a bodily organ and  
29 requires surgical procedures.

30           **2. Sealing of child protection records.** The following provisions govern the sealing  
31 of child protection records.

32           A. The department shall seal the records of an unsubstantiated or indicated report  
33 immediately upon such classification by the department. The records of an  
34 unsubstantiated or indicated report remain sealed unless a subsequent substantiated or  
35 indicated report involving the individual identified as responsible or possibly  
36 responsible for the alleged abuse or neglect is recorded during the one-year period after  
37 the records were sealed.

38           B. The department shall seal the records of a substantiated report:

1 (1) If the child was not removed from the child's home by the department, 3 years  
2 after the date the report was entered, as long as a subsequent substantiated or  
3 indicated report involving the individual identified as responsible for the abuse or  
4 neglect has not been recorded during that 3-year period; or

5 (2) If the child was removed from the child's home by the department, 3 years  
6 from the date the child was removed in a case in which a court made a finding that  
7 the child was abused or neglected or 5 years from the date the substantiated report  
8 was entered, whichever occurs first, as long as a subsequent substantiated or  
9 indicated report involving the individual identified as responsible for the abuse or  
10 neglect has not been recorded.

11 C. If, during the time a prior substantiated or indicated report is recorded, a subsequent  
12 substantiated or indicated report involving the same individual is entered, the records  
13 of the prior report may not be sealed until the records of the subsequent report are  
14 eligible for sealing under this section.

15 D. Notwithstanding any other provision of this section or any other provision of law  
16 to the contrary, the records of a substantiated report involving the following may not  
17 be sealed:

18 (1) A child fatality;

19 (2) Sexual abuse;

20 (3) Sex trafficking; or

21 (4) Serious physical injury.

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

## 24 SUMMARY

25 This bill requires the Department of Health and Human Services to seal certain child  
26 protection records, subject to certain exceptions. Sealing means the records are rendered  
27 inaccessible to the public but are retained by the department for internal use, such as  
28 compliance with legal obligations, future child protective investigations or other legitimate  
29 governmental purposes.