

MAINE STATE LEGISLATURE

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STATE OF MAINE
128TH LEGISLATURE
FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON HEALTH AND
HUMAN SERVICES**

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STATE OF MAINE

128TH LEGISLATURE

FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contain summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Special, Second Regular and Second Special Sessions of the 128th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

CARRIED OVER..... carried over to a subsequent session of the Legislature
CON RES XXX..... chapter # of constitutional resolution passed by both houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; legislation died
DIED BETWEEN HOUSES..... House & Senate disagreed; legislation died
DIED IN CONCURRENCE..... defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE..... emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT..... legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY..... ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX..... chapter # of enacted public law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective dates for non-emergency legislation enacted in the First Special, Second Regular or Second Special Sessions of the 128th Legislature are: Monday, February 5, 2018; Wednesday, August 1, 2018; and Thursday, December 13, 2018, respectively. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Health and Human Services

LD 1919 An Act To Criminalize the Failure To Make a Report of Child Abuse or Neglect as Required by Statute Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SUTTON P	ONTP OTP-AM	

This bill criminalizes the failure of a person to meet the requirement for certain persons to report or cause a report to be made to the Department of Health and Human Services or the appropriate district attorney's office when they know or have reasonable cause to suspect that a child has been or is likely to be abused or neglected or that a suspicious child death has occurred. Under current law, such a person commits a civil violation. Under this bill, failure to report or cause a report to be made is also a Class E crime, punishable by a fine of not more than \$500 or imprisonment for not more than 30 days.

Committee Amendment "A" (H-810)

This amendment, which is the minority report of the committee, adds "intentionally or knowingly" as the culpable state of mind to the crime of failure to report.

LD 1920 An Act To Modify the Expungement Requirements for Records under the Child and Family Services and Child Protection Act PUBLIC 472

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KEIM L	OTP-AM ONTP OTP	S-546

This bill allows the department to retain all records created under the Child and Family Services and Child Protection Act and removes the current requirement that the Department of Health and Human Services expunge a record of a child protective services case for which there was a finding that the allegations were unsubstantiated after 18 months. The department may not publicly disclose information in an unsubstantiated record, but may allow information in any record to be introduced into evidence in an administrative or judicial proceeding.

Committee Amendment "A" (S-546)

This amendment, which is the majority report of the committee, replaces the bill. It increases the time for retention of unsubstantiated child protective services case records to no more than five years.

Enacted Law Summary

Public Law 2017, chapter 472 requires the Department of Health and Human Services to expunge a record of a child protective services case for which there was a finding that the allegations were unsubstantiated after five years.

LD 1921 An Act To Grant the Department of Health and Human Services Access to Criminal History Information To Achieve the Purposes of the Child and Family Services and Child Protection Act PUBLIC 473

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THIBODEAU M	OTP-AM	S-547

Joint Standing Committee on Health and Human Services

This bill authorizes the Department of Health and Human Services to access public and confidential criminal history record information to assist in preventing child abuse and neglect.

Committee Amendment "A" (S-547)

This amendment specifies that the Department of Health and Human Services may request and receive confidential criminal history record information from the Department of Public Safety. It also adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2017, chapter 473 authorizes the Department of Health and Human Services to access public and confidential criminal history record information to assist in preventing child abuse and neglect. It specifies that the Department of Health and Human Services may request and receive confidential criminal history record information from the Department of Public Safety.

LD 1922 An Act To Amend the Child and Family Services and Child Protection Act PUBLIC 470

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND B	ONTP OTP	

This bill amends the Child and Family Services and Child Protection Act to require that reasonable efforts be made to rehabilitate and reunify families as a means for protecting the welfare of children. Current law requires giving family rehabilitation and reunification priority as a means for protecting the welfare of children.

Enacted Law Summary

Public Law 2017, chapter 470 amends the Child and Family Services and Child Protection Act to require that reasonable efforts be made to rehabilitate and reunify families as a means for protecting the welfare of children.

**LD 1923 An Act To Improve the Child Welfare System PUBLIC 471
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAMPER J	OTP-AM OTP-AM	S-548 H-811 MALABY R

This bill provides additional funding to enhance the child welfare system and services available to children in the care of the State. This bill also directs the Department of Health and Human Services to conduct a needs analysis for its comprehensive child welfare information system, review possible solutions to meet those needs and purchase or develop a new system. It also provides funding for the development of a new comprehensive child welfare information system.

Committee Amendment "A" (S-548)

This amendment, which is the majority report of the committee, provides funding for the creation of 16 Human Services Caseworker positions and eight Customer Representative Associate II positions within the Department of Health and Human Services, Office of Child and Family Services. It requires the department to report on the progress of the department in implementing the provisions of the legislation to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 31, 2019. It also clarifies that the funding for the new child welfare information system is one-time funding and replaces the appropriations and allocations section.