

MAINE STATE LEGISLATURE

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New Draft of H. P. 1363, L. D. 1692

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 1832

H. P. 1629

House of Representatives, June 1, 1977

Reported by Mr. Devoe from Committee on Judiciary and printed under
Joint Rules No. 2.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT to Amend the Laws Relating to Criminal History Record
Information.

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

Sec. 1. 16 MRSA § 606, sub-§ 2, 3rd ¶, as enacted by PL 1975, c. 763, § 3, is repealed and the following enacted in its place:

Not later than 15 days, excluding Saturdays, Sundays and legal public holidays, after the receipt of such request, the agency shall notify the requesting person in writing either that the agency has corrected the error or deficiency or that it refuses to make the requested amendment or correction, the reasons therefor, the procedure established by the agency for requesting persons to request a review of that refusal by the head of the agency and the name and business address of that official.

Sec. 2. 16 MRSA § 606, sub-§ 2-A is enacted to read:

2-A. Administrative appeal. If the requesting person chooses to request a review of the agency's refusal to make the requested amendment or correction, then not later than 30 days, excluding Saturdays, Sundays and legal public holidays, from the date on which the individual requests such review, the head of the agency shall complete such review and either make the requested amendment or correction or refuse to do so. If the head of the agency refuses to make the requested amendment or correction, he shall permit the requesting person to file with the agency a concise statement setting forth the reasons for his disagreement with the refusal of the agency and notify the individual of the provisions for judicial review of the reviewing official's determination under subsection 2-B.

Dissemination of the disputed criminal history record information by that agency with which the requesting person has filed a statement of disagreement, occurring after the filing of such statement, shall clearly reflect notice of such dispute and a copy of the statement shall be included, along with, if the agency deems it appropriate, copies of a concise statement of the reasons of the agency for not making the amendment or correction requested.

Sec. 3. 16 MRSA § 606, sub-§ 2-B is enacted to read:

2-B. Judicial review. If an administrative appeal brought pursuant to subsection 2-A is denied by the head of the agency, or the requesting person believes the decision of the head of the agency to be otherwise unsatisfactory, the person may, within 30 days of the decision rendered by the head of the agency, seek relief in the Superior Court.

STATEMENT OF FACT

This new draft retains only 3 sections of the original bill, the sections that are necessitated by changes in federal law.