

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES (Filing No. H-692)
109TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to S.P. 469,
L.D. 1417, Bill, "AN ACT Relating to the Reporting of Illegal
Use and Trafficking of Drugs in Maine Schools."

Amend the amendment by striking out all of the first
paragraph and inserting in its place the following:

'Amend the bill by striking out all of the title and
inserting in its place the following: 'AN ACT Relating to the
Reporting of Use and Trafficking of Drugs.'

Further amend the amendment by inserting after the 2nd
paragraph the following:

'Sec. 1. 14 MRSA §166 is enacted to read:

§166. Reporting of the use and trafficking of drugs

1. Immunity from liability. Any person who in good faith
participates in the making of a report to a law enforcement
officer concerning the use or trafficking of drugs, or participates
in a judicial proceeding resulting therefrom, shall be immune from
any civil liability for damages resulting from these actions. For
the purpose of any civil proceedings, there shall be a rebuttable
presumption that any person acting pursuant to this section did so
in good faith.

2. Confidentiality of records; access to records. All records
and reports concerning the use of drugs or trafficking of drugs
are deemed confidential and are subject to release only under the
following conditions:

- A. An agency investigating the activities of a specific person upon probable cause to suspect his use of drugs or trafficking in drugs pursuant to a legal mandate;
- B. A police or other law enforcement agency investigating the activities of a specific person upon probable cause to suspect his use of drugs or trafficking in drugs;
- C. A parent, guardian or other person responsible for the welfare of a child suspected of use of drugs or trafficking of drugs; or
- D. A court of grand jury, investigating the activities of a specific person upon probable cause to suspect his use of drugs or trafficking of drugs, upon its determination that access to these records is necessary in the conduct of its official business.'

Further amend the amendment by inserting at the beginning of the 3rd paragraph the following: 'Sec. 2.'

Statement of Fact

The purpose of this amendment is to extend the immunity to anyone who reports the use of and trafficking of drugs taking place anywhere.