

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
109TH LEGISLATURE
FIRST REGULAR SESSION

(Filing No. S-293)

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 bill is the Title by striking out the word "Illegal"

Further amend the bill by striking out everything after the enacting clause and inserting in its place the following:

'20 MRSA §919 is enacted to read:

§919. Reporting of the use and trafficking of drugs in schools

1. Immunity from liability. School personnel who in good faith participate in the making of a report to a school administrator concerning the use or trafficking of drugs on school property or at school-related activities, or participate 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 student upon probable cause to suspect his use of drugs or

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trafficking in drugs pursuant to a legal mandate;

B. A police or other law enforcement agency investigating the activities of a specific student 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 student 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.

3. Local policy. School units are encouraged to develop local policies concerning the reporting of the use and trafficking of drugs on school property and at all school-related activities.'

Statement of Fact

The purposes of this amendment are to:

1. Provide immunity only from civil liability;
2. Specify that access to records by police, grand juries or other agencies pursuant to a legal mandate must be based on an investigation of a specific student when there is probable cause to suspect the student of using or trafficking in drugs;
3. Provide that the report is to be made to a school administrator; and
4. Delete the word "illegal" throughout the bill.

Reported by the Majority of the Committee on Education.
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