

MAINE STATE LEGISLATURE

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(After Deadline)
FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1417

S. P. 469

In Senate, March 27, 1979

On Motion of Senator Pierce of Kennebec, reconsidered referral and referred to the Committee on Education. Sent down for concurrence and ordered printed.

Presented by Senator Hichens of York.

Cosponsors: Senator Silverman of Washington, Senator Carpenter of Aroostook and Senator McBreairty of Aroostook.

MAY M. ROSS, Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

**AN ACT Relating to the Reporting of Illegal Use and Trafficking of Drugs in
Maine Schools.**

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

20 MRSA § 919 is enacted to read:

§ 919. Reporting of illegal use and trafficking of drugs in Maine schools

1. **Immunity from liability.** School personnel who in good faith participate in the making of a report concerning illegal 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 liability, civil or criminal, that otherwise might result by reason of these actions. For the purpose of any proceedings, civil or criminal, 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 illegal use of drugs or trafficking of drugs are deemed confidential and are subject to release only under the following conditions:

- A. An agency investigating a report of known or suspected illegal use of drugs or trafficking in drugs pursuant to a legal mandate;**
 - B. A police or other law enforcement agency investigating a report of known or suspected illegal use of drugs or trafficking in drugs;**
 - C. A parent, guardian or other person responsible for the welfare of a child suspected of illegal use of drugs or trafficking of drugs; or**
 - D. A court of grand jury, 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 illegal use and trafficking of drugs on school property and at all school-related activities.**

STATEMENT OF FACT

This bill will provide immunity to school personnel who report incidences of illegal use and trafficking in drugs.