

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

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ONE HUNDRED AND TENTH LEGISLATURE

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**Legislative Document**

**No. 974**

H. P. 820 House of Representatives, February 24, 1981  
Speaker laid before the House and on Motion of Representative Prescott of  
Hampden, referred to the Committee on Health and Institutional Services. Sent up  
for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Locke of Sebec.

Cosponsors: Senator Clark of Cumberland, Representative Masterton of  
Cape Elizabeth and Senator C. Sewall of Lincoln.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

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**AN ACT to Ensure the Rights of Privacy of Recipients of Public Assistance.**

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

19 MRSA § 221 is enacted to read:

§ 221. **Public assistance recipients' rights of privacy**

When the Department of Human Services seeks to establish paternity of a dependent child, any inquiry about prior or current sexual activity of a recipient of public assistance shall be limited to that necessary to resolve a genuine dispute about the parentage of a child. When a custodial mother has informed the department that a particular man is the father of her child, the department shall make no further inquiry into her personal life unless the man so identified has denied that he is the father of that child or he refuses to cooperate.

STATEMENT OF FACT

There have been a number of cases recently in which staff members of the Department of Human Services have persisted in making unnecessary inquiries into the personal lives of women in the Aid to Families with Dependent Children

program. In these cases paternity of a child was not in dispute, yet the department continued to force the women to answer the most personal, and in these cases, irrelevant, parts of its "paternity questionnaire."

Since discussions with the department have failed to curb these abuses, this bill will end this practice once and for all.