

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1177
6

7 H.P. 932

House of Representatives, March 16, 1983

8 Reported by Representative Locke from the Committee on Education.
9 Sent up for concurrence and ordered printed.

10 EDWIN H. PERT, Clerk

Reported from the Joint Standing Committee on Education under Joint Rule
11 19.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Amend the Protection and
18 Advocacy Agency for the Developmentally
19 Disabled in Maine Statutes.
20

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

23 Sec. 1. 20-A MRSA §7202, sub-§§7 and 8, as
24 enacted by PL 1981, c. 693, §§5 and 8, are amended to
25 read:

26 7. Parent's right to be a member of the team.
27 Notify in writing the exceptional student's parent,
28 surrogate parent or guardian of their right to be a
29 member of the team and place a copy of the notice in
30 the exceptional student's permanent records; and

31 8. Facility construction, renovation and repair.
32 Seek approval in advance from the commissioner for
33 construction, renovation or repair, with or aided by

1 public funds, of facilities intended for the educa-
2 tion of exceptional students; or give assurances that
3 other facilities in the school administrative unit
4 are adequate to meet the needs of those students; and

5 Sec. 2. 20-A MRSA §7202, sub-§9 is enacted to
6 read:

7 9. Securing parental permission. For the Pro-
8 tection and Advocacy Agency for the Developmentally
9 Disabled in Maine conducting investigations pursuant
10 to Title 22, chapter 961:

11 A. Assist the agency in its investigations; and

12 B. Facilitate access to relevant case records
13 by:

14 (1) Notifying parents or guardians of the
15 investigation; and

16 (2) Requesting parental consent for the
17 agency to have access to case records.

18 Parents may refuse to give their consent for the Pro-
19 tection and Advocacy Agency for the Developmentally
20 Disabled in Maine to have access to their child's
21 records.

22 Sec. 3. 22 MRSA §4008, sub-§3, ¶¶C and D, as
23 enacted by PL 1979, c. 733, §18, are amended to read:

24 C. A grand jury on its determination that access
25 to those records is necessary in the conduct of
26 its official business; and

27 D. An appropriate state executive or legislative
28 official with responsibility for child protection
29 services in carrying out his official functions,
30 provided that no personally identifying informa-
31 tion may be made available unless necessary to
32 his functions; and

33 Sec. 4. 22 MRSA §4008, sub-§3, ¶E is enacted to
34 read:

1 E. The Protection and Advocacy Agency for the
2 Developmentally Disabled in Maine in connection
3 with investigations conducted in accordance with
4 chapter 961. The determination of what informa-
5 tion and records are relevant to the investiga-
6 tion shall be made by agreement between the
7 department and the agency.

8

STATEMENT OF FACT

9 This bill clarifies the Protection and Advocacy
10 Agency for the Developmentally Disabled in Maine's
11 access to records. In the case of school units, it
12 clarifies the parents right to refuse consent and the
13 school unit's obligation to assist the agency in
14 requesting parental consent.

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