

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

SECOND REGULAR SESSION

---

ONE HUNDRED AND ELEVENTH LEGISLATURE

---

Legislative Document

No. 1978

---

H.P. 1502 House of Representatives, January 19, 1984  
Submitted by the Department of Human Services pursuant to Joint Rule  
24.

Speaker laid before the House and on Motion of Representative Nelson  
of Portland referred to the Committee on Health and Institutional Services.  
Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Nelson of Portland.

Cosponsors: Senator Bustin of Kennebec and Representative Richard of  
Madison.

---

STATE OF MAINE

---

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

---

AN ACT Concerning the Disclosure of  
Licensing Records Regarding Adult and Child  
Care Programs.

---

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

22 MRSA §7703 is enacted to read:

§7703. Licensing record; disclosure

1. Public information. The following information shall be available to the public, except as otherwise provided by law:

A. The application and any supporting documentation, except for mental health evaluations;

B. The department's decision with respect to any application;

- 1           C. Whether a person, firm, corporation or asso-  
2           ciation is or has been licensed, approved or reg-  
3           istered in accordance with Subtitle 6;
- 4           D. The type of license;
- 5           E. The term of the license;
- 6           F. The maximum number of persons for which the  
7           facility has been licensed or approved and the  
8           number of persons currently placed by the depart-  
9           ment in that facility, if known;
- 10          G. Whether any administrative hearing or court  
11          action has ever been initiated;
- 12          H. The findings and order of any administrative  
13          hearing officer or court regarding any applica-  
14          tion, license, approvals or registrations; and
- 15          I. Whether any complaints have been received by  
16          the department regarding an applicant or a person  
17          who is licensed, approved or registered, the gen-  
18          eral nature of the complaint without divulging  
19          specific details and what action has been taken  
20          by the department, a hearing officer or a court  
21          with respect to these complaints.
- 22          2. Confidential information. Without a court or-  
23          der or a written release from the person about whom  
24          the information has been requested, any information,  
25          not referred to in subsection 1, which is contained  
26          in a licensing record, is confidential, and relevant  
27          information may be released only to the following  
28          persons:
- 29                A. A law enforcement agency or other agency in-  
30                vestigating reports of adult or child abuse or  
31                neglect, whether in or out of State;
- 32                B. An advocacy agency conducting an investiga-  
33                tion under chapter 961;
- 34                C. A person named in the record or the parent,  
35                custodian or guardian of a person named in the  
36                record, provided that the identity of references,  
37                complainants or other persons is protected when  
38                appropriate; or

1  
2  
3  
4

D. Any agency involved in approving homes for the placement of children or adults with protection for identity or references, complainants or other persons, when appropriate.

5  
6  
7  
8  
9  
10

3. Protective investigations. Except as provided in subsection 1, disclosure of any information gathered as a result of a report or investigation of neglect or abuse in a facility which is licensed, approved or registered pursuant to Subtitle 6 shall be governed by sections 3474 and 4008.

11

#### STATEMENT OF FACT

12  
13  
14  
15

The purpose of this bill is to clarify what information will and will not be available to the public regarding any records of licensure of any adult or child care facility or program.

16  
17  
18  
19

It is the intent of this bill to make clear that any information gathered in connection with an adult or child protective investigation of any type not be released, except as provided within this bill.

20

5479121483