

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE  
4

5 Legislative Document

No. 37  
6

7 H.P. 35

House of Representatives, January 9, 1985

8 Submitted by the Department of Corrections pursuant to Joint Rule 24.  
9 Reference to the Committee on Judiciary suggested and ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Paul of Sanford.

11 Cosponsored by Representative Manning of Portland, Senator Chalmers  
of Knox and Representative Rioux of Biddeford.

12 STATE OF MAINE  
13

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

17 AN ACT to Allow the Department of Corrections  
18 to Release Certain Information  
19 Pertaining to its Inmates which is a  
20 Matter of Public Record.  
21

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

24 34-A MRSA §3003, sub-§1, as repealed and replaced  
25 by PL 1983, c. 581, §§14, 59, is amended to read:

26 1. Limited disclosure. ~~All~~ Except as otherwise  
27 provided by law, all orders of commitment, medical  
28 and administrative records, applications and reports,  
29 and facts contained in them, pertaining to any person  
30 receiving services from the department, shall be kept  
31 confidential and may not be disclosed by any person,  
32 except that documents, other than those pertaining to  
33 information obtained by the department for the pur-  
34 pose of evaluating a committed offender's ability to  
35 participate in a community-based program or from  
36 informants in a correctional facility for the purpose

1 of determining whether prison rules have been vio-  
2 lated, may be disclosed:

3 A. To any person, if the person receiving ser-  
4 vices, his legal guardian, if any, or, if he is a  
5 minor, his parent or legal guardian, gives his  
6 informed written consent to the disclosure of the  
7 documents referred to in subsection 1 after being  
8 given the opportunity to review the documents  
9 sought to be disclosed;

10 B. To any state agency if necessary to carry out  
11 the statutory functions of that agency; and

12 C. If ordered by a court of record, subject to  
13 any limitation in the Maine Rules of Evidence,  
14 Rule 503.

15 STATEMENT OF FACT

16 The current law governing confidentiality of in-  
17 formation prohibits the Department of Corrections,  
18 under penalty of law, from disclosing information  
19 concerning the identity of an inmate, the offense of  
20 which he was convicted and the length of his sen-  
21 tence, all within the definition of criminal history  
22 record information, the release of which is permitted  
23 by Title 16, section 611. This bill reconciles the  
24 inconsistencies between Title 16 and Title 34-A re-  
25 garding disclosure of information which is a matter  
26 of public record.

27 The bill does not alter the current law requiring  
28 confidentiality for medical and administrative  
29 records.

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