

MAINE STATE LEGISLATURE

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L.D. 316

(Filing No. H- 51)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 232, L.D. 316, Bill, "An Act Relating to Confidentiality of Investigative Records of Boards and Commissions"

Amend the bill by striking out everything after the enacting clause and inserting in its place the following:

10 MRSA §8003-B is enacted to read:

§8003-B. Confidentiality of investigative records

1. During investigation. All complaints and investigative records of the licensing boards and commissions within the Department of Professional and Financial Regulation shall be confidential during the pendency of an investigation. Those records shall become public records upon the conclusion of an investigation unless confidentiality is required by some other provision of law. For purposes of this section, an investigation is concluded when:

- A. A notice of an adjudicatory hearing under Title 5, chapter 375, subchapter IV has been issued;
- B. The complaint has been listed on a meeting agenda of the board or commission;
- C. A consent agreement has been executed; or
- D. A letter of dismissal has been issued.

2. Exceptions. Notwithstanding subsection 1, during the pendency of an investigation, a complaint or investigative record may be disclosed:

- 1 A. To department employees designated by the commissioner;
- 3 B. To designated complaint officers of the appropriate
5 board or commission;
- 7 C. By a department employee or complaint officer designated
9 by the commissioner when, and to the extent, deemed
11 necessary to facilitate the investigation;
- 13 D. To other state or federal agencies when the files
15 contain evidence of possible violations of laws enforced by
17 those agencies; and
- 19 E. When, and to the extent, deemed necessary by the
21 commissioner to avoid imminent and serious harm. The
23 authority of the commissioner to make such a disclosure
25 shall not be delegated.
- 27 3. Attorney General records. The provision or disclosure
29 of investigative records of the Department of the Attorney
31 General to a departmental employee designated by the commissioner
33 or to a complaint officer of a board or commission does not
35 constitute a waiver of the confidentiality, provided under Title
 5, section 200-D, of those records for any other purposes.
 Further disclosure of those investigative records shall be
 subject to the discretion of the Attorney General.'

STATEMENT OF FACT

31 This amendment makes clear that complaint records of the
33 Department of Professional and Financial Regulation are to be
35 confidential only until the investigation is conducted. It also
 makes clear that records of the Attorney General will continue to
 be confidential even if provided to the Department of
 Professional and Financial Regulation.

Reported by the Majority of the Committee on Business Legislation
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House
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