

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 391

H.P. 279

House of Representatives, February 23, 1989

Submitted by the Department of Human Services pursuant to Joint Rule 24.
Reference to the Committee on Human Resources suggested and ordered printed.

Ed Pert

EDWIN H. PERT, Clerk

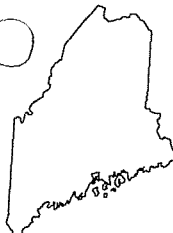
Presented by Representative SMALL of Bath.

Cosponsored by Senator PERKINS of Hancock, Senator ESTES of York and Representative ANTHONY of South Portland.

STATE OF MAINE

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

**An Act to Allow Disclosure of Confidential Information Relevant to
School Personnel Actions.**



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

3 Sec. 1. 22 MRSA §4008, sub-§2, ¶F, as amended by PL 1987, c.
714, §5, and c. 744, §4, is repealed and the following enacted in
5 its place:

7 F. Any person engaged in bona fide research, provided that
9 no personally identifying information is made available,
11 unless it is essential to the researcher and the
13 commissioner or the commissioner's designee gives prior
approval. If the researcher desires to contact a subject of
a record, the subject's consent shall be obtained by the
department prior to the contact;

15 Sec. 2. 22 MRSA §4008, sub-§2, ¶G, as amended by PL 1987, c.
714, §6, and c. 744, §5, is repealed and the following enacted in
17 its place:

19 G. Any agency or department involved in licensing or
21 approving homes for or the placement of children or
23 dependent adults, with protection for identity of reporters
and other persons when appropriate;

25 Sec. 3. 22 MRSA §4008, sub-§2, ¶H, as enacted by PL 1987, c.
714, §7, and c. 744, §6, is repealed and the following enacted in
27 its place:

29 H. Persons and organizations pursuant to Title 5, section
9057, subsection 6, and pursuant to chapter 857;

31 Sec. 4. 22 MRSA §4008, sub-§2, ¶¶I and J are enacted to read:

33 I. The representative designated to provide child welfare
35 services by the tribe of an Indian child as defined by the
37 Indian Child Welfare Act, United States Code, Title 25,
Section 1903; and

39 J. The superintendent of a public school or the chief
41 administrator of a private school, when the information
43 concerns persons employed by or seeking employment in that
school district, with protection of the identity of
reporters and other persons when appropriate.

45 **STATEMENT OF FACT**

47 Sections 1 to 4 correct technical errors in the Maine
49 Revised Statutes, Title 22, section 4008, subsection 2,
51 paragraphs F to I. Section 4 also permits the disclosure of
relevant information to schools when the information concerns an
employee or prospective employee.

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Under current law, the Department of Human Services can disclose information to the subject of the record, and to the Department of Educational and Cultural Services, which is responsible for certification of professionals. That department's current procedures strictly limit and prohibit disclosure of information received from the Department of Human Services to schools for their use in possible personnel actions.