

MAINE STATE LEGISLATURE

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

HOUSE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 745,
L.D. 1028, Bill, "An Act to Facilitate Treatment of Abused and
Neglected Children"

Amend the amendment by striking everything after the title
and before the statement of fact and inserting in its place the
following:

'Amend the bill by striking out all of subsection 3-A and
inserting in its place the following:

'3-A. Report of licensed mental health professional. In
any hearing held in connection with a child protection proceeding
under this chapter, the written report of a licensed mental
health professional who has treated or evaluated the child shall
be admitted as evidence, provided that the party seeking
admission of the written report has furnished a copy of the
report to all parties at least 21 days prior to the hearing. The
report shall not be admitted as evidence without the testimony of
the mental health professional if a party objects at least 7 days
prior to the hearing. This subsection does not apply to the
caseworker assigned to the child.'

STATEMENT OF FACT

This amendment deletes a word which was incorrectly included
in the title of mental health professional. The term "mental
health professional" is already defined in this chapter.

This amendment also increases the time period during which
other parties may request the mental health professional who
prepared the report to testify at the hearing. This bill
provided a 7 day window and this amendment increases it to 14
days.

This amendment clarifies that, if the mental health

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1028

1 professional does testify at the hearing, testimony is not
limited to only relevant matters addressed in the report.

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5 This amendment provides that, if the department's assigned
caseworker is the mental health professional who prepared the
report, the assigned caseworker must still be present at the
7 hearing and must be available to testify. The language of the
original bill could be read to imply that, if not requested to
9 appear at the hearing, the assigned caseworker would not be
required to appear.

Filed by Rep. P. Paradis
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House
5/17/89

(Filing No. H-216)