

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

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Legislative Document

No. 423

H.P. 302

House of Representatives, February 7, 1991

Reference to the Committee on Human Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative MANNING of Portland.

Cosponsored by Senator GILL of Cumberland, Representative PENDLETON of Scarborough and Representative SIMONDS of Cape Elizabeth.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

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**An Act to Amend the Laws Governing Disclosure of Information in  
Medical Support Recoupment and Child Support Cases.**

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

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4       **Sec. 1. 22 MRSA §3755-A, sub-§§6 and 9**, as enacted by PL 1989, c. 255, are amended to read:

6       **6. Immunity from liability.** Any person may disclose to the department any of the information described in subsection 2 or 3 that is sought in a request or demand by the department, ~~to the extent--it~~ the disclosure of which is not confidential--or prohibited by federal or state statute or which is not privileged under the Maine Rules of Evidence, without incurring any liability to any other person because of the disclosure.

14       **9. Notice.** At the time that the department makes a request or demand, it shall notify the responsible parent or alleged responsible parent ~~in the manner set forth in subsection 4~~ by regular mail to the last known address.

18       **Sec. 2. 22 MRSA §3755-A, sub-§10**, as enacted by PL 1989, c. 205, is repealed and the following enacted in its place:

22       **10. Penalty for knowing failure to respond or for knowing failure or refusal to disclose.** The penalty for knowing failure to respond or for knowing failure or refusal to disclose is governed as follows.

26           **A. Knowing failure to respond to a demand for information within 10 days following the date of service of the demand is a civil violation for which a forfeiture not to exceed \$1,000 may be adjudged.**

32           **B. Refusal or knowing failure to disclose to the department any of the information described in subsection 2 or 3 that is sought in a demand for information by the department, the disclosure of which is not prohibited by federal or state statute, or which is not privileged under the Maine Rules of Evidence, is a civil violation for which a forfeiture not to exceed \$1,000 may be adjudged.**

40       **Sec. 3. 22 MRSA §3755-A, sub-§11** is enacted to read:

42       **11. Confidentiality of information; unlawful dissemination; penalty.** All information collected in connection with the department's child support enforcement activity and medical support recoupment pursuant to this section is confidential and available only for the use of appropriate departmental personnel and legal counsel for the department in carrying out their functions. A person is guilty of unlawful dissemination if that person knowingly disseminates information in violation of this subsection. Unlawful dissemination is a Class E crime, which,

2 notwithstanding Title 17-A, section 1252, subsection 2, paragraph  
3 E, is punishable by a fine of not more than \$500 or by  
4 imprisonment for not more than 30 days.

6 **STATEMENT OF FACT**

8 This bill provides that a person may disclose to the  
9 Department of Human Services information the disclosure of which  
10 is not prohibited by state or federal statute and that is not  
11 privileged under the Maine Rules of Evidence. The bill also  
12 requires the department to provide notice to responsible or  
13 allegedly responsible parents by regular mail at the last known  
14 address. The bill establishes a penalty for knowing failure or  
15 refusal to disclose information and establishes a penalty for  
16 unlawful dissemination of information.