MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1331

H.P. 942

House of Representatives, April 13, 1995

An Act Relating to Confidentiality of Records and the Prevention of Child Sexual Abuse.

Reference to the Committee on Judiciary suggested and ordered printed.

OSEPH W. MAYO, Clerk

Presented by Representative RICHARDSON of Portland. Cosponsored by Representatives: DORE of Auburn, ETNIER of Harpswell, JOHNSON of South Portland, O'NEAL of Limestone.

4	Sec. 1. 20-A MRSA §6101, sub-§4 is enacted to read:
	4. Law enforcement review. Law enforcement officials have
6	access to records designated confidential in this section if the
	records may assist those officials in investigating any
8	potentially criminal activity. A copy of the records must be
	provided simultaneously to the subject of the records.
10	Co. 2 22 MDCA 84009 amb 82 MI
12	Sec. 2. 22 MRSA $$4008$, sub- $$2$, $$1$, as repealed and replaced by PL 1989, c. 878, Pt. A, $$63$, is amended to read:
14	I. The representative designated to provide child welfare
	services by the tribe of an Indian child as defined by the
16	federal Indian Child Welfare Act, 25 United States Code, Section 1903; and
18	C. 2 22 MDCA 84000 82 MI
20	Sec. 3. 22 MRSA §4008, sub-§2, ¶J, as enacted by PL 1989, c. 502, Pt. A, §77, is amended to read:
22	J. A person making a report of suspected abuse or neglect.
2.2	The department may only disclose that it has not accepted
24	the report for investigation, unless other disclosure
	provisions of this section apply.;
26	G 4 00 B CD CA 0 4000 A 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0
2.0	Sec. 4. 22 MRSA $\S4008$, sub- $\S2$, $\P\P$ K and L are enacted to read:
2.8	K. The superintendent of a school administrative unit or
30	the chief administrator of a private school approved under
.,,,,	Title 20-A; and
32	
	L. For the purposes of investigating the background of
34	current or potential employees who will be providing
	services to children:
36	
2.0	(1) The director of a state agency that employs persons to provide direct services to children,
38	including, but not limited to, the Augusta Mental
40	Health Institute, the Bangor Mental Health Institute,
	the Maine Children's Home, the Elizabeth Levinson
4.2	Center, the Maine Youth Center and the Baxter School
	<pre>for the Deaf;</pre>
44	
	(2) The director of an agency or organization that
46	contracts with the department or the Department of
4.0	Mental Health and Mental Retardation to provide direct
48	services to children;
50	(3) The director of an agency or organization that is
	required to be licensed or certified by the department
52	and that provides direct services to children; and

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

(4)	The	direc	ctor	of	any	other	ac	gency	or_	organ	nization
that	prov	zides	dire	ct	serv	rices	to	chil	dren	or	employs
perso	ns i	n fre	guent	di	rect	conta	ct	with	chil	dren.	

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STATEMENT OF FACT

8 This bill provides law enforcement officials access to certain records about teachers that are in the possession of a school administrative unit if those records will assist the 10 officials in investigating potentially criminal activity. 12 bill also permits the Department of Human Services to release information in child protective records to certain school administrators and to the directors of organizations or state 14 agencies that provide direct services to children, employ persons 16 to provide direct services to children or contract with the Department of Human Services or the Department of Mental Health 18 and Mental Retardation to provide direct services to children.