

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.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH 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.

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

2 **Sec. 1. 20-A MRSA §6101, sub-§4** is enacted to read:

4 **4. Law enforcement review.** Law enforcement officials have
6 access to records designated confidential in this section if the
8 records may assist those officials in investigating any
10 potentially criminal activity. A copy of the records must be
12 provided simultaneously to the subject of the records.

14 **Sec. 2. 22 MRSA §4008, sub-§2, ¶I,** as repealed and replaced by
16 PL 1989, c. 878, Pt. A, §63, is amended to read:

18 I. The representative designated to provide child welfare
20 services by the tribe of an Indian child as defined by the
22 federal Indian Child Welfare Act, 25 United States Code,
24 Section 1903; and

26 **Sec. 3. 22 MRSA §4008, sub-§2, ¶J,** as enacted by PL 1989, c.
28 502, Pt. A, §77, is amended to read:

30 J. A person making a report of suspected abuse or neglect.
32 The department may only disclose that it has not accepted
34 the report for investigation, unless other disclosure
36 provisions of this section apply;

38 **Sec. 4. 22 MRSA §4008, sub-§2, ¶¶K and L** are enacted to read:

40 K. The superintendent of a school administrative unit or
42 the chief administrator of a private school approved under
44 Title 20-A; and

46 L. For the purposes of investigating the background of
48 current or potential employees who will be providing
50 services to children:

52 (1) The director of a state agency that employs
persons to provide direct services to children,
including, but not limited to, the Augusta Mental
Health Institute, the Bangor Mental Health Institute,
the Maine Children's Home, the Elizabeth Levinson
Center, the Maine Youth Center and the Baxter School
for the Deaf;

(2) The director of an agency or organization that
contracts with the department or the Department of
Mental Health and Mental Retardation to provide direct
services to children;

(3) The director of an agency or organization that is
required to be licensed or certified by the department
and that provides direct services to children; and

