

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
118TH LEGISLATURE  
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 119, L.D. 143, Bill, "An Act to Remove Immunity for Fraudulent Testimony or Perjury"

Amend the bill in section 1 in subsection 1 in paragraph D in the last line (page 1, line 30 in L.D.) by striking out the following: "or" and inserting in its place the following: 'or'

Further amend the bill in section 1 in subsection 1 in paragraph E in the 3rd line (page 1, line 34 in L.D.) by striking out the following: "may" and inserting in its place the following: 'does'

Further amend the bill in section 1 in subsection 1 in paragraph E in the last line (page 1, line 35 in L.D.) by striking out the following: "." and inserting in its place the following: ' ; or'

Further amend the bill in section 1 in subsection 1 by inserting after paragraph E the following:

'F. Participating in good faith in reporting child abuse or neglect under Title 22, chapter 1071 or participating in a related child protection investigation or proceeding. This paragraph does not provide immunity for false reports and testimony that are made intentionally and either with malice or in bad faith.'

COMMITTEE AMENDMENT

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2 Further amend the bill in section 1 in subsection 1 in the  
last 3 lines (page 1, lines 45 to 47 in L.D.) by striking out the  
4 following: "except when a police officer or governmental  
employee gives fraudulent testimony in a child welfare case"

6  
8 Further amend the bill by inserting after section 1 and  
before the summary the following:

10 'Sec. 2. 22 MRSA §4014, sub-§1, as amended by PL 1987, c. 395,  
Pt. A, §89, is further amended to read:

12  
14 **1. Reporting and proceedings.** A person, including an agent  
of the department, participating in good faith in reporting under  
this subchapter or participating in a related child protection  
16 investigation or proceeding, including, but not limited to, a  
multidisciplinary team, out-of-home abuse investigating team or  
18 other investigating or treatment team, is immune from any  
criminal or civil liability for the act of reporting or  
20 participating in the investigation or proceeding. Good faith  
does not include instances when a false report is made and the  
22 person knows the report is false. Nothing in this section may be  
construed to bar criminal or civil action regarding perjury,  
24 false reports and testimony that are made intentionally and  
either with malice or in bad faith or regarding the abuse or  
26 neglect which that led to a report, investigation or proceeding.

28 **Sec. 3. Appropriation.** The following funds are appropriated  
from the General Fund to carry out the purposes of this Act.

	1997-98	1998-99
32 <b>ATTORNEY GENERAL,</b>		
34 <b>DEPARTMENT OF THE</b>		
36 <b>Administration - Attorney General</b>		
38       Positions - Legislative Count	(1.000)	(1.000)
Personal Services	\$44,383	\$46,166
40       All Other	4,700	2,200
42		
TOTAL	\$49,083	\$48,366
44		
46       Provides funds for the salary, benefits and associated costs of one		

# COMMITTEE AMENDMENT

Assistant Attorney General  
position required to handle  
additional lawsuits filed  
against state employees.'

Further amend the bill by inserting at the end before the  
summary the following:

**FISCAL NOTE**

	1997-98	1998-99
<b>APPROPRIATIONS/ALLOCATIONS</b>		
General Fund	\$49,083	\$48,366

The Department of the Attorney General will require  
additional General Fund appropriations of \$49,083 and \$48,366 in  
fiscal years 1997-98 and 1998-99, respectively, for one Assistant  
Attorney General position and general operating expenses to  
handle the expected increase in workload resulting from increases  
in the number of lawsuits brought against state employees.

The possibility of increased lawsuits against state police  
officers and Department of Human Services employees may result in  
increased liability insurance costs for those departments. The  
exact amounts of the additional costs can not be determined at  
this time.

The additional workload and administrative costs associated  
with the minimal number of new cases filed in the court system  
can be absorbed within the budgeted resources of the Judicial  
Department. The collection of additional fines may increase  
General Fund revenue by minor amounts.'

**SUMMARY**

This amendment adds new language to provide governmental  
employees immunity in reporting and participating in child abuse  
and neglect investigations and proceedings. The immunity does  
not cover false testimony and reports that are made intentionally  
and with malice or in bad faith.

This amendment amends the child abuse and neglect reporting  
statutes to specifically preclude immunity for a person  
participating in the reporting of child abuse and neglect and in  
the investigations and proceedings related to child abuse and

COMMITTEE AMENDMENT "A" to H.P. 119, L.D. 143

neglect if that person intentionally makes false reports or gives  
false testimony and the report or testimony is provided  
maliciously or in bad faith.

This amendment also adds an appropriation and a fiscal note  
to the bill.