

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 1581

S.P. 492

In Senate, March 13, 2001

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**An Act to Allow the Department of Human Services Abuse and Neglect  
Investigators Access to Certain Baxter School for the Deaf Records.**

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Submitted by the Department of Human Services pursuant to Joint Rule 204.  
Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator LONGLEY of Waldo.  
Cosponsored by Representative: FULLER of Manchester.

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

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**Sec. 1. 22 MRSA §4088, sub-§1, ¶C**, as enacted by PL 1989, c. 400, §9, is amended to read:

C. ~~"License" shall be defined in accordance with~~ has the same meaning as in Title 5, section 8002, ~~and shall include~~ includes approval and registration. With respect to persons licensed by the Department of Education, "license" means certify, authorize or approve.

**Sec. 2. 22 MRSA §4088, sub-§1, ¶D-1** is enacted to read:

D-1. "Service center" means the Community Services Center established in section 6-C.

**Sec. 3. 22 MRSA §4088, sub-§3, ¶¶B to G**, as enacted by PL 1989, c. 400, §9, are amended to read:

B. Shall investigate all reports received by the department or service center regarding alleged out-of-home abuse and neglect occurring in facilities or by persons subject to licensure by the department pursuant to this Title;

C. Shall conduct a single investigation sufficient to determine not only if abuse or neglect has occurred but also to determine whether a licensing violation has occurred in order to protect children from further harm and establish a basis upon which to take licensing action. This procedure minimizes duplicative or redundant investigations to the extent possible in response to the same or related allegations of out-of-home abuse or neglect in facilities or by persons subject to licensure by the department pursuant to this Title;

D. Shall coordinate and consult with the bureau or service center staff performing general licensing functions to eliminate duplicative or redundant investigations to the extent possible and to prevent, correct or eliminate the abuse or neglect or threat of abuse or neglect in out-of-home settings;

E. Shall provide the results of the investigation to the bureau's, service center's or other department's licensing staff for appropriate action;

F. Shall include relevant professionals outside the department or service center as members of the team for all investigations of residential treatment centers, group homes

2 or day care centers mandated by this subchapter and for  
other child care facilities as warranted;

4 G. When a report alleges out-of-home abuse and neglect in  
6 facilities or by persons not subject to licensure by the  
department or service center, shall immediately refer the  
8 report to the service center or agency or department charged  
with the responsibility to investigate such a report or, if  
applicable, to the state department operating the facility;

10 **Sec. 4. 22 MRSA §4088, sub-§5**, as enacted by PL 1989, c. 400,  
12 §9, is amended to read:

14 **5. Records; confidentiality; disclosure; access.** Records  
16 created pursuant to this subchapter shall must be maintained in  
accordance with section 4008 and shall may not be disclosed  
18 except as provided by that section or by section 7703,  
subsections 2 to 4. When conducting an investigation of a person  
20 subject to licensure by the Department of Education, the team  
must have access to any records or documents designated as  
22 confidential in Title 20-A, section 6101, subsection 2. Copies  
of these records or documents must be provided simultaneously to  
the person being investigated.

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## 26 SUMMARY

28 This bill gives the out-of-home abuse and neglect  
investigating team established in the Maine Revised Statutes,  
30 Title 22, section 4088 the authority to obtain access to  
personnel records for persons licensed by the Department of  
32 Education, including those in the Baxter School for the Deaf.