

MAINE STATE LEGISLATURE

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MS

L.D. 1899

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JUDICIARY

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STATE OF MAINE SENATE 120TH LEGISLATURE SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 697, L.D. 1899, Bill, "An Act Relating to the Dissemination of Intelligence and Investigative Information"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 16 MRSA §614, sub-§2, as amended by PL 1999, c. 305, §1, is repealed.

Sec. 2. 16 MRSA §614, sub-§3 is enacted to read:

3. Exceptions. Nothing in this section precludes dissemination of intelligence and investigative information to:

A. Another criminal justice agency;

B. A state agency responsible for investigating abuse, neglect or exploitation of children under Title 22, chapter 1071 or incapacitated or dependent adults under Title 22, chapter 958-A for use in the investigation of suspected abuse, neglect or exploitation; or

C. An accused person or that person's agent or attorney if authorized by:

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- 2 (1) The district attorney for the district in which
3 that accused person is to be tried;
- 4
- 5 (2) A rule or ruling of a court of this State or of
6 the United States; or
- 7
- 8 (3) The Attorney General.'

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SUMMARY

14 This amendment replaces the bill. It clarifies the
15 permitted dissemination of intelligence and investigative
16 information under state law. State agencies that are required by
17 statute to investigate abuse, neglect or exploitation of children
18 or incapacitated or dependent adults are authorized to receive
19 the information for use in such investigations. The Child and
20 Family Services and Child Protection Act, the Maine Revised
21 Statutes, Title 22, chapter 1071, charges the Department of Human
22 Services to investigate child abuse and neglect. The Adult
23 Protective Services Act, Title 22, chapter 958-A, authorizes the
24 Department of Human Services, Bureau of Elder and Adult Services
25 to investigate abuse, neglect and exploitation of incapacitated
26 and dependent adults, and the Department of Behavioral and
27 Developmental Services is charged with that duty with respect to
28 persons with mental retardation and autism.

30 The amendment also allows the release of intelligence and
investigative information to an accused person or that person's
agent or attorney if authorized.