

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

RUB

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

Date: 06-13-07

(Filing No. S- 303)

JUDICIARY

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

123RD LEGISLATURE

FIRST REGULAR SESSION

Majority

COMMITTEE AMENDMENT "A" to S.P. 194, L.D. 602, Bill, "An Act To Clarify Confidentiality in Child Protective Proceedings"

Amend the bill by striking out all of sections 1 and 2 and inserting the following:

'Sec. 1. 22 MRSA §4008, sub-§1, as amended by PL 2005, c. 300, §2, is further amended to read:

1. Confidentiality of records and information. All department records that contain personally identifying information and are created or obtained in connection with the department's child protective activities and activities related to a child while in the care or custody of the department, and all information contained in those records, are confidential and subject to release only under the conditions of subsections 2 and 3.

Within the department, the records are available only to and may be used only by appropriate departmental personnel and legal counsel for the department in carrying out their functions.

Any person who receives department records or information from the department may use the records or information only for the purposes for which that release was intended and may not further disseminate that information. A person, including, but not limited to, a child, parent, custodian or subject of a record, may not further disseminate any record or information that person receives from the department unless the dissemination is otherwise allowed by law intended to contribute to that person's understanding of the action being taken or request for advocacy and support in the current child protective action. This prohibition of dissemination is limited to information gained through the department.'

Amend the bill in section 3 in paragraph A-2 in the first line (page 1, line 20 in L.D.) by striking out the following: ", custodian or caretaker"

Amend the bill by striking out all of sections 4 to 10 and inserting the following:

'Sec. 4. 22 MRSA §4008, sub-§7 is enacted to read:

COMMITTEE AMENDMENT



123rd MAINE LEGISLATURE

LD 602

LR 750(03)

An Act To Clarify Confidentiality in Child Protective Proceedings

Fiscal Note for Bill as Amended by Committee Amendment "A "

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Potential current biennium revenue decrease - Federal Funds

Fiscal Detail and Notes

Any additional costs to the Department of Health and Human Services in implementing this bill can be absorbed by the department utilizing existing budget resources. The bill's provisions allowing for the release of child protective information may also result in the loss of federal funding if the information release is determined to be for purposes other than child protection.