

MAINE STATE LEGISLATURE

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32

Date: 1-29-08

(Filing No. S-406)

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**STATE OF MAINE
SENATE
123RD LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 828, L.D. 2161, Bill, "An Act To Clarify Confidentiality in Child Protective Proceedings"

Amend the bill by striking out everything after the Title and before the summary and inserting the following:

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Legislature established February 1, 2008 as the effective date of Public Law 2007, chapter 335 to provide sufficient time for the federal Department of Health and Human Services to review the provisions of Public Law 2007, chapter 335 to determine if there are inconsistencies between Maine information sharing authorizations and federal requirements; and

Whereas, the Maine Department of Health and Human Services has yet to receive written notification whether Public Law 2007, chapter 335 is in compliance with federal requirements; and

Whereas, the changes included in Public Law 2007, chapter 335 should be effectuated only if they are in compliance with federal requirements; and

Whereas, the Legislature prefers to rely on written communication from the federal Department of Health and Human Services before taking action; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. PL 2007, c. 335, §5 is amended to read:

COMMITTEE AMENDMENT

108



Approved: 01/25/08 *MAC*

123rd MAINE LEGISLATURE

LD 2161

LR 3442(02)

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

Fiscal Detail and Notes

This bill delays the effective date of PL 2007, c. 335, enacted last session, until March 1, 2008, to allow for a federal government review of provisions that may violate federal confidentiality provisions and could result in the loss of federal funds. Any additional cost to the state's Department of Health and Human Services can be absorbed utilizing existing budgetary resources.