MAINE STATE LEGISLATURE

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2	Date: $1 - 29 - 08$ (Filing No. S-406)
3	JUDICIARY
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5	STATE OF MAINE
6	SENATE
7	123RD LEGISLATURE
8	SECOND REGULAR SESSION
9 10	COMMITTEE AMENDMENT "A" to S.P. 828, L.D. 2161, Bill, "An Act To Clarify Confidentiality in Child Protective Proceedings"
11 12	Amend the bill by striking out everything after the Title and before the summary and inserting the following:
13 14	'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and
15 16 17 18 19	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
20 21 22	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
23 24	Whereas, the changes included in Public Law 2007, chapter 335 should be effectuated only if they are in compliance with federal requirements; and
25 26	Whereas, the Legislature prefers to rely on written communication from the federa Department of Health and Human Services before taking action; and
27 28 29 30	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,
31	Be it enacted by the People of the State of Maine as follows:

Page 1- 123LR3442(02)-1

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

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COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to S.P. 828, L.D. 2161

Sec. 5. Effective date. This Act takes effect February March 1, 2008, except that
section 4 of this Act, relating to the Maine State Plan, takes effect 90 days after
adjournment of the First Regular Session of the 123rd Legislature.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.'

6 SUMMARY

This amendment replaces the bill.

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This amendment replaces the emergency preamble and emergency clause to make the amended bill take effect when approved.

This amendment delays the effective date of Public Law 2007, chapter 335 from February 1, 2008 to March 1, 2008 to give the federal Department of Health and Human Services sufficient time to review the proposed changes in Maine law and provide a written explanation of whether the proposed changes are in compliance with federal requirements concerning the sharing of confidential information in child protective cases.

FISCAL NOTE REQUIRED (See attached)

Page 2- 123LR3442(02)-1





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.