

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 1193

H.P. 884

House of Representatives, March 21, 2011

### An Act To Strengthen Confidentiality Laws for Child Victims of Crime

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Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative WILLETTE of Mapleton.  
Cosponsored by Senator: MASON of Androscoggin.

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

2 **Sec. 1. 22 MRSA §4008, sub-§3, ¶B**, as amended by PL 1995, c. 694, Pt. D, §38  
3 and affected by Pt. E, §2, is further amended to read:

4 B. A court on its finding that access to those records may be necessary for the  
5 determination of any issue before the court or a court requesting a home study from  
6 the department pursuant to Title 18-A, section 9-304 or Title 19-A, section 905.  
7 Access to such a report or record is limited to counsel of record ~~unless otherwise~~  
8 ~~ordered by the court~~ and only when that counsel establishes, to the satisfaction of the  
9 court, a basis for the claim by counsel that the report or record contains evidence both  
10 material and favorable to that counsel's case. Access to actual reports or records is  
11 limited to in camera inspection, unless the court determines that public disclosure of  
12 the information is necessary for the resolution of an issue pending before the court;

13 **SUMMARY**

14 Current law requires the Department of Health and Human Services to grant access to  
15 confidential records held by the department in connection with the department's child  
16 protective activities if a court determines that the records may be necessary for the  
17 determination of an issue before the court. Access is limited to counsel of record unless  
18 otherwise produced by the court.

19 This bill requires counsel of record to establish a basis for the counsel's claim that the  
20 confidential records contain evidence that is both material and favorable to the counsel's  
21 case before the court may grant access.