

# MAINE STATE LEGISLATURE

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# 127th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2016

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Legislative Document

No. 1497

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H.P. 1020

House of Representatives, December 23, 2015

**An Act To Align the Child and Family Services and Child  
Protection Act with the Federal Preventing Sex Trafficking and  
Strengthening Families Act**

(EMERGENCY)

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Submitted by the Department of Health and Human Services pursuant to Joint Rule 203.  
Received by the Clerk of the House on December 21, 2015. Referred to the Committee on  
Health and Human Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint  
Rule 401.

A handwritten signature in black ink that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative SANDERSON of Chelsea.  
Cosponsored by Senator VOLK of Cumberland and  
Representatives: BEAVERS of South Berwick, FOLEY of Wells, LAJOIE of Lewiston,  
MAKER of Calais, WHITE of Washburn.

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

3           **Whereas,** federal law requires Maine to enact changes to state law in compliance  
4 with the federal Preventing Sex Trafficking and Strengthening Families Act, Public Law  
5 113-183; and

6           **Whereas,** Maine’s Child and Family Services and Child Protection Act is out of  
7 compliance with Public Law 113-183; and

8           **Whereas,** it is necessary for Maine to have authority to provide child welfare  
9 services for the protection of children and families prior to the expiration of the 90-day  
10 period; and

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

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

16           **Sec. 1. 22 MRSA §4008, sub-§3, ¶K,** as amended by PL 2013, c. 293, §2, is  
17 further amended to read:

18           K. A relative or other person whom the department is investigating for possible  
19 custody or placement of the child; ~~and~~

20           **Sec. 2. 22 MRSA §4008, sub-§3, ¶L,** as enacted by PL 2013, c. 293, §3, is  
21 amended to read:

22           L. To a licensing board of a mandated reporter, in the case of a mandated reporter  
23 under section 4011-A, subsection 1 who appears from the record or relevant  
24 circumstances to have failed to make a required report. Any information disclosed by  
25 the department personally identifying a licensee's client or patient remains  
26 confidential and may be used only in a proceeding as provided by Title 5, section  
27 9057, subsection 6-; and

28           **Sec. 3. 22 MRSA §4008, sub-§3, ¶M** is enacted to read:

29           M. Law enforcement authorities for entry into the National Crime Information  
30 Center database of the Federal Bureau of Investigation and to a national information  
31 clearinghouse for missing and exploited children operated pursuant to 42 United  
32 States Code, Section 5773(b). Information disclosed pursuant to this paragraph is  
33 limited to information on missing or abducted children or youth that is required to be  
34 disclosed pursuant to 42 United States Code, Section 671(a)(35)(B).

35           **Sec. 4. 22 MRSA §4036-B, sub-§3-A,** as enacted by PL 2011, c. 402, §4, is  
36 amended to read:

