

# MAINE STATE LEGISLATURE

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# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

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Legislative Document

No. 1112

S.P. 366

In Senate, March 21, 2017

### An Act Regarding the Maternal and Infant Death Review Panel

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Reference to the Committee on Health and Human Services suggested and ordered printed.

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

HEATHER J.R. PRIEST  
Secretary of the Senate

Presented by Senator KEIM of Oxford.  
Cosponsored by Representative HAMANN of South Portland and  
Senators: BRAKEY of Androscoggin, MAKER of Washington, Representatives: HEAD of  
Bethel, MALABY of Hancock, SANDERSON of Chelsea.

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

2 **Sec. 1. 22 MRSA §261, sub-§2**, as enacted by PL 2005, c. 467, §1, is amended to  
3 read:

4 **2. Membership; meetings.** The panel consists of health care and social service  
5 providers, public health officials, law enforcement officers and other persons with  
6 professional expertise on maternal and infant health and mortality. The director shall  
7 appoint the members of the panel, who serve at the pleasure of the director. The director  
8 shall appoint an employee of the center to serve as panel coordinator. The panel shall  
9 meet at least twice per year.

10 **Sec. 2. 22 MRSA §261, sub-§4, ¶¶B andC**, as amended by PL 2009, c. 531, §1,  
11 are further amended to read:

12 B. Prior to accessing medical records, the panel coordinator shall obtain permission  
13 in all cases for access to those records from the family, except that the panel  
14 coordinator may obtain information pursuant to subsection 4-A.

15 C. Prior to conducting a voluntary interview, the panel coordinator shall obtain  
16 permission in all cases for the interview from the family, except that the panel  
17 coordinator may obtain information pursuant to subsection 4-A.

18 **Sec. 3. 22 MRSA §261, sub-§4, ¶F** is enacted to read:

19 F. In order to conduct a review under this section, the panel coordinator may apply to  
20 the commissioner, the commissioner's designee or the legal counsel for the  
21 department to issue a subpoena to collect information pursuant to subsection 4-A.

22 **Sec. 4. 22 MRSA §261, sub-§4-A** is enacted to read:

23 **4-A. Investigations.** The commissioner, the commissioner's designee or the legal  
24 counsel for the department may:

25 A. Issue subpoenas requiring persons to disclose or provide to the panel coordinator  
26 and the panel information or records in their possession that are necessary and  
27 relevant to a review under this section.

28 (1) The department may apply to the District Court to enforce a subpoena under  
29 this paragraph.

30 (2) A person who complies with a subpoena is immune from civil or criminal  
31 liability that might otherwise result from the act of turning over or providing  
32 information or records to the panel coordinator; and

33 B. Obtain confidential criminal history record information and other criminal history  
34 record information under Title 16, chapter 7 that the commissioner, the  
35 commissioner's designee or the legal counsel for the department considers relevant to  
36 a review under this section.

37 **Sec. 5. 22 MRSA §261, sub-§6**, as amended by PL 2009, c. 531, §1, is further  
38 amended to read:

