

MAINE STATE LEGISLATURE

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HEALTH AND HUMAN SERVICES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 605, L.D. 837, "An Act To Ensure That Definitions in the Child and Family Services and Child Protection Act Comply with State and Federal Law"

Amend the bill by striking out the title and substituting the following:

'An Act To Amend the Child and Family Services and Child Protection Act'

Amend the bill by striking out everything after the enacting clause and inserting the following:

Sec. 1. 22 MRSA §4002, sub-§1, as amended by PL 2015, c. 360, §2, is further amended to read:

1. Abuse or neglect. "Abuse or neglect" means a threat to a child's health or welfare by physical, mental or emotional injury or impairment, sexual abuse or exploitation including under Title 17-A, sections 282, 852, 853 and 855, or deprivation of essential needs, or lack of protection from these or failure to ensure compliance with school attendance requirements, by a person responsible for the child. "Abuse or neglect" also means truancy under Title 20-A, section 3272, subsection 2, paragraph B C or section 5051-A, subsection 1, paragraph C, or D when truancy is the result of neglect by a person responsible for the child. "Abuse or neglect" also means a threat to a child's health or welfare caused by child sex trafficking by any person, regardless of whether or not the person is responsible for the child.

Sec. 2. 22 MRSA §4002, sub-§3-B is enacted to read:

3-B. Child sex trafficking. "Child sex trafficking" means the recruitment, harboring, transportation, provision or obtaining of a child for the purposes of a commercial sex act as defined in 22 United States Code, Section 7102(4).

Sec. 3. 22 MRSA §4002, sub-§6, ¶B, as amended by PL 2007, c. 304, §11, is further amended to read:

B. Deprivation of adequate food, clothing, shelter, supervision or care or education when the child is at least 7 years of age and has not completed grade 6;

COMMITTEE AMENDMENT

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Sec. 4. 22 MRSA §4002, sub-§6, ¶B-2 is enacted to read:

B-2. Truancy under Title 20-A, section 3272, subsection 2, paragraph C or section 5051-A, subsection 1, paragraph C or D;

Sec. 5. 22 MRSA §4008, sub-§1-A is enacted to read:

1-A. Disclosure. The department may determine that for the purposes of disclosure under this section records are limited to only records created by the department in connection with its duties under this chapter.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment, which is the unanimous report of the committee, replaces the bill. It combines the provisions in the bill with those in 2 other Department of Health and Human Services bills regarding the child protection system, Legislative Documents 760 and 762. The amendment:

1. Amends the definition of "abuse or neglect" and enacts a definition for "child sex trafficking" within the Child and Family Services and Child Protection Act to ensure the State is in compliance with the federal Child Abuse Prevention and Treatment Act, as amended by Public Law 115-271;

2. Amends definitions in the Child and Family Services and Child Protection Act to update cross-references and to ensure the Department of Health and Human Services has the authority to intervene in situations involving truancy under the Maine Revised Statutes, Title 20-A when truancy is the result of neglect by a person responsible for the child; and

3. Provides clarifying language in the Child and Family Services and Child Protection Act regarding what may be considered a child protective record for purposes of disclosure. This change allows the Department of Health and Human Services to determine that documents in child protective records that were not originated by the department are not child protective records for the purposes of disclosure.