

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2023

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Legislative Document

No. 1725

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S.P. 689

In Senate, April 20, 2023

**An Act to Strengthen Legislative Oversight of Government Agencies  
and Programs by Providing the Government Oversight Committee  
Access to Confidential Records**

(AFTER DEADLINE)

(EMERGENCY)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in black ink, appearing to read "D M Grant".

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator HICKMAN of Kennebec.

Cosponsored by Representative ARATA of New Gloucester and

Senators: BAILEY of York, BENNETT of Oxford, DUSON of Cumberland, KEIM of Oxford, TIPPING of Penobscot, Representatives: FAULKINGHAM of Winter Harbor, FAY of Raymond, MADIGAN of Waterville.

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,** this legislation provides that the Government Oversight Committee may  
4 receive information and records that are privileged and confidential and that that  
5 information and those records are exempt from public disclosure; and

6 **Whereas,** the Government Oversight Committee requires immediate access to the  
7 records of children who died in the State in order to complete its investigation of the  
8 Department of Health and Human Services, Office of Child and Family Services; and

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

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

14 **Sec. 1. 3 MRSA §994, sub-§11,** as amended by PL 2005, c. 104, §2, is further  
15 amended to read:

16 **11. Information and records available to committee.** To receive ~~certain~~ information  
17 and records, including information and records that are otherwise privileged or  
18 confidential. Information and records that ~~is~~ are made available to the committee ~~is~~ are  
19 governed by chapter 21, which governs legislative investigating committees, and by Title  
20 1, chapter 13, which governs public records and proceedings, except that, notwithstanding  
21 any provision of law to the contrary, privileged or confidential information and records  
22 received by the committee under this subsection are confidential; and

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

25 **SUMMARY**

26 This bill provides that the Government Oversight Committee may receive information  
27 and records that are privileged and confidential and that that information and those records  
28 are exempt from public disclosure.