

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

FIRST SPECIAL SESSION
August 29, 2013

SECOND REGULAR SESSION
January 8, 2014 to May 2, 2014

THE EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
EMERGENCY LAW IS
SEPTEMBER 6, 2013

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 1, 2014

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2014

CHAPTER 99
H.P. 1208 - L.D. 1685

**Resolve, To Strengthen the
Protection of Children from
Abuse and Neglect**

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

Whereas, it is imperative for the protection of children from abuse and neglect that the Department of Health and Human Services convene a working group to study the issue and make recommendations to strengthen the authority of the department and the Department of Education to respond to situations in which child abuse or neglect is alleged and to prevent further abuse of children; and

Whereas, the working group must begin its work before the 90-day period expires in order that the working group may complete its work and submit a report by November 5, 2014; and

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

Sec. 1. Working group established. Resolved: That the Department of Health and Human Services, referred to in this resolve as "the department," shall convene a working group, referred to in this resolve as "the working group," to review current laws and the scope of departmental authority with respect to the abuse and neglect of children, to identify gaps in the safety net to protect children from abuse and neglect and to make recommendations to strengthen the protection of children from abuse and neglect; and be it further

Sec. 2. Working group membership. Resolved: That the department shall invite the participation on the working group of representatives of the Office of Child and Family Services and the department's division of licensing and regulatory services, the Department of Education, the Office of the Attorney General, the Disability Rights Center and the Maine Developmental Disabilities Council established in the Maine Revised Statutes, Title 34-B, section 17001, subsection 1. The working group is authorized to invite the participation of other persons with expertise in the field of child abuse and protection to assist the working group; and be it further

Sec. 3. Duties. Resolved: That the working group shall perform the following duties.

1. Review of laws. The working group shall review the State's laws on protection of children from abuse and neglect and identify:

A. The scope of authority of the department and the Department of Education to investigate and respond to allegations of child abuse and neglect;

B. The scope of remedial authority of the department and the Department of Education in the event that there is a finding of child abuse or neglect; and

C. Any gaps in the safety net to protect children from abuse and neglect.

2. Recommendations. The working group shall make recommendations, as determined by the working group to be appropriate, that identify:

A. The proper scope of authority for the department to investigate and take appropriate action regarding allegations of child abuse and neglect to protect children and prevent a perpetrator of abuse or neglect from obtaining gainful employment with children;

B. The proper scope of authority for the Department of Education to investigate and take appropriate action regarding allegations of child abuse and neglect to protect children and prevent a perpetrator of abuse or neglect from obtaining gainful employment with children; and

C. Opportunities for enhanced collaboration between the department, law enforcement entities and the Department of Education in the process of investigating allegations of child abuse and neglect and in preventing perpetrators of abuse and neglect from continuing to abuse or neglect children; and be it further

Sec. 4. Report. Resolved: That, no later than November 5, 2014, the department, on behalf of the working group, shall submit a report that includes its findings and recommendations to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services.

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

Effective April 2, 2014.
