

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-FIVE

H.P. 64 - L.D. 99

**An Act to Clarify Information Sharing Between the Department of Health
and Human Services and Schools with Respect to Investigations of Child
Abuse or Neglect**

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

Sec. 1. 20-A MRSA §6101, sub-§3, as amended by PL 1987, c. 620, §2, is amended by enacting at the end a new last blocked paragraph to read:

Records of complaints, charges of misconduct, investigations and disciplinary actions may be provided by the commissioner or the commissioner's designee to the Department of Health and Human Services when an investigation of child abuse or neglect in accordance with Title 22, section 4099-N, subsection 3 is in process.

Sec. 2. 22 MRSA §4099-N, sub-§3, as enacted by PL 2023, c. 248, §4, is amended to read:

3. School personnel. The investigation team may investigate an individual who is licensed or certified, who has applied for licensure or certification or who is subject to licensure or certification by the Department of Education and employed by a school organized under Title 20-A, Part 2.

Sec. 3. 22 MRSA §4099-O, sub-§6 is enacted to read:

6. Disclosure to schools. The investigation team may notify the superintendent of a school administrative unit, the chief administrator of a public school not in a school administrative unit or the chief administrator of a private school when there is an indicated or substantiated finding of out-of-home abuse or neglect against an employee of that school administrative unit, public school not in a school administrative unit or private school. For the purposes of this subsection, "school administrative unit" has the same meaning as in Title 20-A, section 1, subsection 26.

Sec. 4. 22 MRSA §7703, sub-§3, ¶D, as enacted by PL 1983, c. 691, §2, is amended to read:

D. A person having the legal responsibility or authorization to educate, care for, evaluate, treat or supervise a client or recipient of services of the facility. ~~This shall~~

~~include~~ A person under this paragraph includes a member of a treatment team or group convened to plan for or treat a person named in a record, ~~provided that~~ as long as the identity of any reference, complainant, reporter of suspected abuse or neglect or other person is protected, when appropriate. A person under this paragraph includes the superintendent of a school administrative unit, the chief administrator of a public school not in a school administrative unit or the chief administrator of a private school;

Sec. 5. 22 MRSA §7703, sub-§5, as enacted by PL 1983, c. 691, §2, is amended to read:

5. Dissemination of confidential information. Information released pursuant to subsections 3 and 4 ~~shall~~ must be used solely for the purpose for which it was provided and ~~shall~~ may not be further disseminated, except as provided in subsection 5-A.

Sec. 6. 22 MRSA §7703, sub-§5-A is enacted to read:

5-A. Dissemination by Department of Education. Reports of suspected child abuse or neglect released in accordance with subsection 4, paragraph G may be disseminated by the Department of Education to the superintendent of a school administrative unit, the chief administrator of a public school not in a school administrative unit or the chief administrator of a private school when neither the department nor the Department of Education is investigating the reports of suspected child abuse or neglect released in accordance with subsection 4, paragraph G or the school administrative unit, public school or private school is determined by the department to be unaware of the information, as long as the identity of or any reference to the complainant or reporter of suspected child abuse or neglect is protected.