1   L.D. 2038

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3   **JUDICIARY**

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5   **STATE OF MAINE**

6   **HOUSE OF REPRESENTATIVES**

7   **129TH LEGISLATURE**

8   **SECOND SPECIAL SESSION**

9   COMMITTEE AMENDMENT "   " to H.P. 1449, L.D. 2038, "An Act To Ensure the
10   Safety of State Employees By Allowing Disclosure of Certain Information in Limited
11   Circumstances"

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

14   '**Sec. 1. 22 MRSA §4008, sub-§2, ¶A-2** is enacted to read:

15   A-2. An administrator of a social media service, to the extent authorized by a court for
16   reporting, investigating or removing a threat or serious intimidation attempt directed
17   against an employee of the department, an employee of the Attorney General's Office,
18   a guardian ad litem or an employee or officer of any court or court system. The
19   information remains confidential, and the social media service may not disclose any of
20   the information provided by the department under this paragraph. For the purposes of
21   this paragraph, "social media service" means an electronic medium or service through
22   which users create, share and view user-generated content that is generally viewable
23   by the public;

24   **Sec. 2. 22 MRSA §4008, sub-§3, ¶L,** as amended by PL 2015, c. 381, §2, is further
25   amended to read:

26   L. To a licensing board of a mandated reporter, in the case of a mandated reporter
27   under section 4011-A, subsection 1 who appears from the record or relevant
28   circumstances to have failed to make a required report. Any information disclosed by
29   the department personally identifying a licensee's client or patient remains confidential
30   and may be used only in a proceeding as provided by Title 5, section 9057, subsection
31   6; ~~and~~

32   **Sec. 3. 22 MRSA §4008, sub-§3, ¶M,** as enacted by PL 2015, c. 381, §3, is
33   amended to read:

34   M. Law enforcement authorities for entry into the National Crime Information Center
35   database of the Federal Bureau of Investigation and to a national information

COMMITTEE AMENDMENT

1   clearinghouse for missing and exploited children operated pursuant to 42 United States
2   Code, Section 5773(b). Information disclosed pursuant to this paragraph is limited to
3   information on missing or abducted children or youth that is required to be disclosed
4   pursuant to 42 United States Code, Section 671(a)(35)(B).; and

5   **Sec. 4. 22 MRSA §4008, sub-§3, ¶N** is enacted to read:

6   N. A law enforcement agency, to the extent necessary for reporting, investigating or
7   removing a threat or serious intimidation attempt directed against an employee of the
8   department, an employee of the Attorney General's Office, a guardian ad litem or an
9   employee or officer of any court or court system.'

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

12   **SUMMARY**

13   This amendment is the minority report of the Joint Standing Committee on Judiciary.

14   This amendment replaces the bill. The amendment requires court authorization for the
15   Department of Health and Human Services to release confidential information related to
16   child protective activities to an administrator of a social media service to report, investigate
17   or remove a threat or serious intimidation attempt directed at a department employee, an
18   employee of the Attorney General's Office, a guardian ad litem, a court employee or an
19   officer of the court, including prosecuting and other attorneys.

20   The amendment defines "social media service" and prohibits the social media service
21   from redisclosing the confidential information that is provided by the department.

22   This amendment differs from the majority report by requiring the department to
23   disclose confidential information to a law enforcement agency, to the extent necessary for
24   reporting, investigating or removing a threat or serious intimidation attempt directed
25   against an employee of the department, an employee of the Attorney General's Office, a
26   guardian ad litem or an employee or officer of any court or court system.

27   **FISCAL NOTE REQUIRED**
28   **(See attached)**

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