

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SECOND LEGISLATURE

Legislative Document

No. 574

S. P. 195

In Senate, January 27, 1965

Referred to Committee on Judiciary. Sent down for concurrence and ordered printed.

EDWIN H. PERT, Secretary

Presented by Senator Shiro of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-FIVE

AN ACT to Provide Protection for Physically Abused Children.

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

R. S., T. 22, c. 1056, additional. Title 22 of the Revised Statutes is amended by adding a new chapter 1056, to read as follows:

'CHAPTER 1056

PHYSICALLY ABUSED CHILDREN

Sec. 3851. Purpose. The purpose of this chapter is to provide for the protection of children whose health and welfare are adversely affected and further threatened by the conduct of those responsible for their care and protection. This is often manifest by the infliction, other than by accidental means, of physical injury requiring the attention of a physician. It is intended that the mandatory reporting of such cases by physicians and institutions to the appropriate authority will cause the protective services of the State to be brought to bear on the situation in an effort to prevent further abuses, protect and enhance the welfare of these children, and preserve family life wherever possible.

Sec. 3852. Reports by physicians and institutions. Any physician, including any licensed doctor of medicine, licensed osteopathic physician, intern and resident, having cause to believe that a child under 16 years of age brought to him or coming before him for examination, care and treatment has had physical injury or injuries inflicted upon him other than by accidental means by a parent or caretaker, shall report or cause reports to be made to the State Department of Health and Welfare, Division of Child Welfare; provided, when the attendance of a physician with respect to a child is pursuant to the performance of services as a member of the staff of a hospital or similar institu-

tion he shall notify the person in charge of the institution or his designated delegate who shall report or cause reports to be made to the Department of Health and Welfare, Division of Child Welfare. Such reports shall be made in accordance with this chapter and rules and regulations established by the Department of Health and Welfare.

Sec. 3853. Nature and content of report. The report shall be in writing and shall contain the name and address of the child and his parents or caretakers, if known, the child's age, the nature and extent of the child's injuries, including any evidence of previous injuries, and any other information that the physician believes might be helpful in establishing the cause of the injuries and the identity of the perpetrator.

Sec. 3854. Immunity from liability. Whoever participates in making a report under this chapter or participates in a judicial proceeding resulting therefrom shall be immune from civil or criminal liability, unless done in bad faith or with malicious purpose.

Sec. 3855. Evidence not privileged. The husband-wife privilege shall not be grounds for excluding evidence regarding a child's injuries or the cause thereof, in any judicial proceeding resulting from a report made under this chapter.

Sec. 3856. Penalty. Whoever knowingly and willfully violates this chapter by failing to file a report as required shall be deemed guilty of a misdemeanor and on conviction shall be punished by a fine of not more than \$100 or by imprisonment for not more than 6 months, or by both.'