

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
SENATE  
107TH LEGISLATURE

SENATE AMENDMENT "A" to H.P. 1488, L.D. 1680, Bill, "AN ACT Relating to Mandatory Reporting of Child Abuse or Neglect."

Amend said Bill in section 1 in that part designated "§3853." in the 10th line (8th line in L.D.) by inserting after the underlined word and punctuation "abuse," the underlined words and punctuation 'when such individual is acting in his professional capacity,'

Further amend said Bill in section 1 in that part designated "§3853." by inserting at the end the following underlined sentence: 'No person who would otherwise be required to report pursuant to this Act shall be required to report if the factual basis for knowing or suspecting a case of child abuse or neglect to exist was derived as a result of treatment of the individual suspected of committing such child abuse or neglect.'

Further amend said Bill in section 2 by striking out all of that part designated "§3857." and inserting in place thereof the following:

'§3857. Liability for failure to report

Whoever knowingly and willfully violates this chapter by failing to file a report as required by section 3853 shall, if that child has been subject to child abuse or neglect which results in a conviction of any person under any section of Title 17 or under Title 19, section 218, be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$500.

Notwithstanding any provision of law to the contrary, a conviction pursuant to this section shall not be used as a basis for termination of employment or for suspension, revocation or nonrenewal of a professional license.'

SENATE AMENDMENT "A " to H.P. 1488, L.D. 1680

Further amend said Bill in section 2 in that part designated "§3860." by striking out in the last 3 lines (last 2 lines in L.D.) the underlined punctuation and words ", unless it is absolutely essential to the research purpose and the department gives prior approval"

Statement of Fact

This amendment provides:

1. That the mandatory reporting procedure of the bill applies only when a professional is acting within his professional capacity;

2. That a professional need not file a report when his knowledge of the abuse or neglect was gotten while treating the individual committing the abuse or neglect;

3. That a professional can be convicted of a misdemeanor under section 3857 only if a case of child abuse has resulted in a court conviction;

4. That the maximum penalty for conviction of failure to report child abuse is reduced to a \$500 fine;

5. That conviction for failure to report a known or suspected case of child abuse cannot be used to deny, fail to renew or refuse to grant a professional license to a professional convicted of failing to report; and

6. That no information identifying the subject of a child abuse report shall be made available to a researcher who has access to reports of child abuse from the Department of Health and Welfare.

(Collins)

NAME:

*Samuel W. Collins, Jr.*

COUNTY: Knox

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