

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE  
4

5 Legislative Document

No. 227

6  
7 S.P. 98

In Senate, January 19, 1983

8 Received by the Secretary of the Senate on January 19, 1983. Referred to  
9 the Committee on Judiciary, and ordered printed pursuant to Joint Rule 14.

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Pearson of Penobscot.

Cosponsor: Representative Lisnik of Presque Isle.

11  
12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-THREE  
16

17 AN ACT to Promote Early Diagnosis of  
18 Child Abuse or Neglect.  
19

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

22 22 MRSA §4011, sub-§1, as enacted by PL 1979, c.  
23 733, §18, is amended to read:

24 1. Reasonable cause to suspect. When, while act-  
25 ing in his professional capacity, a medical or  
26 osteopathic physician, resident, intern, medical  
27 examiner, physician's assistant, dentist, chiroprac-  
28 tor, podiatrist, registered or licensed practical  
29 nurse, Christian Science practitioner, teacher,  
30 school official, social worker, homemaker, home  
31 health aide, medical or social service worker, psy-  
32 chologist, child care personnel, mental health pro-  
33 fessional or law enforcement official knows or has  
34 reasonable cause to suspect that a child has been or

1 is likely to be abused or neglected, he shall immedi-  
2 ately report or cause a report to be made to the  
3 department. A school board may appoint a responsible  
4 school official to transport a child to an accredited  
5 medical institution for initial diagnosis of possible  
6 child abuse or neglect without prior notification to  
7 the parent or custodian when the school official has  
8 reasonable cause to suspect that there is a threat of  
9 serious harm to the child and that an immediate medi-  
10 cal diagnosis is warranted. The cost of the diagnosis  
11 shall be borne by the school system and the results  
12 of the diagnosis shall be included within any result-  
13 ing report required by this section.

14 A. Whenever a person is required to report in  
15 his capacity as a member of the staff of a medi-  
16 cal or public or private institution, agency or  
17 facility, he shall immediately notify the person  
18 in charge of the institution, agency or facility,  
19 or his designated agent, who shall then cause a  
20 report to be made. The staff may also make a  
21 report directly to the department.

22 B. Any person may make a report if that person  
23 knows or has reasonable cause to suspect that a  
24 child has been or is likely to be abused or  
25 neglected.

26 C. A person shall not be required to report when  
27 the factual basis for knowing or suspecting abuse  
28 or neglect comes from treatment of a person  
29 responsible for the child, the treatment was  
30 sought by that person for a problem of abuse or  
31 neglect and there is little threat of serious  
32 harm to the child.

33 STATEMENT OF FACT

34 The purpose of this bill is to permit school  
35 officials to confirm a suspected case of child abuse  
36 or neglect while the child is in the custody of the  
37 school when there is reasonable cause to suspect that  
38 there is a threat of serious harm to the child if an

1 immediate medical diagnosis is not obtained. The  
2 medical diagnosis will be included within any result-  
3 ing report of child abuse or neglect that is submit-  
4 ted to the Department of Human Services.

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