

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 527

H.P. 382

House of Representatives, January 28, 1997

An Act to Strengthen the Mandatory Child Abuse Reporting Laws.

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative O'BRIEN of Augusta.
Cosponsored by Senator BUTLAND of Cumberland and
Representatives: CAMPBELL of Holden, CROSS of Dover-Foxcroft, MUSE of South
Portland, PLOWMAN of Hampden, TOWNSEND of Portland, TRUE of Fryeburg, WATSON
of Farmingdale.

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

2 **Sec. 1. 22 MRSA §4002, sub-§12** is enacted to read:

4 **12. Sexual abuse or exploitation.** "Sexual abuse or
6 exploitation," for the purposes of reporting by a commercial film
8 and photographic print processor, means a sexual act or sexual
10 contact as defined in Title 17-A, section 251, masturbation for
12 the purpose of sexual stimulation of the viewer, sadomasochistic
abuse for the purpose of sexual arousal of the viewer or
exhibition of the genitals, pubic or rectal areas of any person
for the purpose of sexual stimulation of the viewer.

14 **Sec. 2. 22 MRSA §4011, sub-§1,** as amended by PL 1989, c. 819,
16 §2, is further amended to read:

18 **§4011. Persons mandated to report suspected abuse or neglect**

20 **1. Reasonable cause to suspect.** When, while acting in a
22 professional capacity, an adult who is a medical or osteopathic
24 physician, resident, intern, emergency medical services person,
26 medical examiner, physician's assistant, dentist, dental
28 hygienist, dental assistant, chiropractor, podiatrist, registered
30 or licensed practical nurse, teacher, guidance counselor, school
32 official, social worker, court appointed special advocate or
34 guardian ad litem for the child, homemaker, home health aide,
36 medical or social service worker, psychologist, child care
38 personnel, mental health professional, law enforcement official,
state fire inspector, municipal code enforcement official,
municipal fire inspector, commercial film and photographic print
processor, clergy member acquiring the information as a result of
clerical professional work except for information received during
confidential confessional communications or chair of a
professional licensing board that has jurisdiction over mandated
reporters knows or has reasonable cause to suspect that a child
has been or is likely to be abused or neglected, that person
shall immediately report or cause a report to be made to the
department.

40 **A.** Whenever a person is required to report in a capacity as
42 a member of the staff of a medical or public or private
44 institution, agency or facility, that person shall
46 immediately notify either the person in charge of the
institution, agency or facility, or a designated agent, who
shall then cause a report to be made. The staff may also
make a report directly to the department.

48 **B.** Any person may make a report if that person knows or has
50 reasonable cause to suspect that a child has been or is
likely to be abused or neglected.

2 D. When, while acting in a professional capacity, any
4 person required to report under this section knows or has
6 reasonable cause to suspect that a child has been abused or
8 neglected by a person not responsible for the child, the
person shall immediately report or cause a report to be made
to the appropriate district attorney's office.

10 **SUMMARY**

12 This bill adds to the list of mandatory reporters of
suspected child abuse commercial film and photographic print
14 processors and clergy members acquiring the information as a
result of clerical professional work except for information
16 received during confidential confessional communications. It
provides a definition of "sexual abuse or exploitation" for the
18 purposes of mandatory reporting by commercial film and
photographic print processors.