

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 88

H.P. 75

House of Representatives, January 11, 1999

An Act to Add to the List of Mandatory Reporters of Suspected Child Abuse Children's Summer Camp Employees.

Reference to the Committee on Health and Human Services suggested and ordered printed.

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

JOSEPH W. MAYO, Clerk

Presented by Representative McALEVEY of Waterboro.
Cosponsored by Representatives: BERRY of Livermore, BOUFFARD of Lewiston,
MAILHOT of Lewiston, MURPHY of Berwick, O'BRIEN of Augusta, WHEELER of
Bridgewater, Senator: MacKINNON of York.

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

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Sec. 1. 22 MRSA §4011, sub-§1, as amended by PL 1997, c. 251, §1, is further amended to read:

1. Reasonable cause to suspect. When, while acting in a professional capacity, an adult who is a medical or osteopathic physician, resident, intern, emergency medical services person, medical examiner, physician's assistant, dentist, dental hygienist, dental assistant, chiropractor, podiatrist, registered or licensed practical nurse, teacher, guidance counselor, school official, employee of a children's summer camp, social worker, court appointed special advocate or guardian ad litem for the child, homemaker, home health aide, medical or social service worker, psychologist, child care 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 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.

A. Whenever a person is required to report in a capacity as a member of the staff of a medical or public or private institution, agency or facility, that person shall 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.

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

D. When, while acting in a professional capacity, any person required to report under this section knows or has reasonable cause to suspect that a child has been abused or 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.

Sec. 2. 22 MRSA §4011, sub-§1-A, as enacted by PL 1985, c. 495, §20, is amended to read:

1-A. Mental health treatment. When a licensed mental health professional is required to report under subsection 1, and

his ~~the~~ knowledge or reasonable cause to suspect that a child has been or is likely to be abused or neglected comes from treatment of a person responsible for the abuse or neglect, the licensed mental health professional shall report to the department in accordance with subsection 1 and under the following conditions.

A. The department shall consult with the licensed mental health professional who has made the report and shall attempt to reach agreement with the professional as to how the report is to be pursued. If agreement is not reached, the licensed mental health professional may request a meeting under paragraph B.

B. Upon the request of the licensed mental health professional who has made the report, after the department has completed its investigation of the report under section 4021 or has received a preliminary protection order under section 4034 and where the department plans to initiate or has initiated a final protection action under section 4035 or plans to refer or has referred the report to law enforcement officials, the department shall convene at least one meeting of the licensed mental health professional who made the report, at least one representative from the department, a licensed mental health professional with expertise in child abuse or neglect and a representative of the district attorney's office having jurisdiction over the report, unless that office indicates that prosecution is unlikely.

C. The persons meeting under paragraph B shall make recommendations regarding treatment and prosecution of the person responsible for the abuse or neglect. The persons making the recommendations shall take into account the nature, extent and severity of abuse or neglect, the safety of the child and the community and needs of the child and other family members for treatment of the effects of the abuse or neglect and the willingness of the person responsible for the abuse or neglect to engage in treatment. The persons making the recommendations may review or revise these recommendations at their discretion.

~~The department shall, after consultation with the Maine Prosecutors Association, the Maine Psychological Association and other affected groups, report on the effects of this subsection to the joint standing committee of the Legislature having jurisdiction over the judiciary by February 15, 1987.~~

The intent of this subsection is to encourage offenders to seek and effectively utilize treatment, at the same time providing any

2 necessary protection and treatment for the child and other family
members.

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SUMMARY

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This bill adds children's summer camp employees to the list
of persons who have a duty to report suspected child abuse to the
8 Department of Human Services. The bill also repeals old language
that is no longer applicable.