

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1066

H.P. 811

House of Representatives, February 22, 2001

An Act to Protect Children and Elderly or Incapacitated Adults.

Reference to the Committee on Criminal Justice suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative SULLIVAN of Biddeford.
Cosponsored by Senator LaFOUNTAIN of York and
Representatives: ESTES of Kittery, KANE of Saco, LAVERRIERE-BOUCHER of
Biddeford, MAYO of Bath, O'BRIEN of Augusta, POVICH of Ellsworth, RICHARDSON of
Brunswick, Senator: LEMONT of York.

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

2 **Sec. 1. 22 MRSA §3477, sub-§1**, as amended by PL 1997, c. 453,
4 §4, is further amended to read:

6 **1. Reasonable cause to suspect.** When, while acting in a
7 professional capacity, an allopathic or osteopathic physician,
8 medical intern, medical examiner, physician's assistant, dentist,
9 chiropractor, podiatrist, registered or licensed practical nurse,
10 certified nursing assistant, social worker, psychologist,
11 pharmacist, physical therapist, speech therapist, occupational
12 therapist, mental health professional, law enforcement official,
13 coroner, emergency room personnel, ambulance attendant, emergency
14 medical technician or unlicensed assistive personnel suspects
15 that an adult has been abused, neglected or exploited, and has
16 reasonable cause to suspect that the adult is incapacitated, then
17 the professional shall immediately report or cause a report to be
18 made to the department.

20 Whenever a person is required to report as a member of the staff
21 of a medical, public or private institution, agency or facility,
22 the staff person shall immediately make a report directly to the
23 department.

24 Any person who suspects that an adult has been abused, neglected
25 or exploited, and has reasonable cause to suspect that the adult
26 is incapacitated, dependent or elderly, shall immediately report
27 the suspected abuse, neglect or exploitation to the department or
28 any law enforcement agency. If a law enforcement agency receives
29 such a report it shall immediately report to the department.

32 **Sec. 2. 22 MRSA §3479**, as repealed and replaced by PL 1989,
33 c. 858, §12, is repealed.

34 **Sec. 3. 22 MRSA §4011, sub-§1**, as amended by PL 1999, c. 300,
35 §1, is further amended to read:

38 **1. Reasonable cause to suspect.** When, while acting in a
39 professional capacity, an adult who is a medical or osteopathic
40 physician, resident, intern, emergency medical services person,
41 medical examiner, physician's assistant, dentist, dental
42 hygienist, dental assistant, chiropractor, podiatrist, registered
43 or licensed practical nurse, teacher, guidance counselor, school
44 official, children's summer camp administrator or counselor,
45 social worker, court appointed special advocate or guardian ad
46 litem for the child, homemaker, home health aide, medical or
47 social service worker, psychologist, child care personnel, mental
48 health professional, law enforcement official, state fire
inspector, municipal code enforcement official, municipal fire

2 inspector, commercial film and photographic print processor,
4 clergy member acquiring the information as a result of clerical
6 professional work except for information received during
8 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.

10 Any person who suspects that a child has been or is likely to be
12 abused or neglected shall immediately report the suspected abuse
14 or neglect to the department or any law enforcement agency. If a
law enforcement agency receives such a report it shall
immediately report, to the department.

16 A. Whenever a person is required to report in a capacity as
18 a member of the staff of a medical or public or private
20 institution, agency or facility, that person shall
22 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.

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

28 D. When, while acting in a professional capacity, any
30 person required to report under this section knows or has
32 reasonable cause to suspect that a child has been abused or
34 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.

36 SUMMARY

38 This bill imposes a duty on every person to report suspected
40 cases of abuse, neglect or exploitation of an incapacitated,
42 dependent or elderly adult or of any child to either the
Department of Human Services or a law enforcement agency. The
44 bill repeals the laws authorizing optional reporting of abuse.
The bill does not alter immunity provisions for making such
reports that exist under the Maine Revised Statutes, Title 22,
sections 3479-A and 4014.