

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)



121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 309

H.P. 252

House of Representatives, January 28, 2003

An Act To Require Church Officials To Report Suspected Abuse

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BULL of Freeport.
Cosponsored by Representative SIMPSON of Auburn and
Representatives: DUDLEY of Portland, O'BRIEN of Augusta, Senator: BRENNAN of
Cumberland.

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

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48
50

Sec. 1. 22 MRSA §3477, sub-§1, ¶A, as enacted by PL 2001, c. 345, §3, is amended to read:

- A. While acting in a professional capacity:
- (1) An allopathic or osteopathic physician;
 - (2) A medical intern;
 - (3) A medical examiner;
 - (4) A physician's assistant;
 - (5) A dentist;
 - (6) A chiropractor;
 - (7) A podiatrist;
 - (8) A registered or licensed practical nurse;
 - (9) A certified nursing assistant;
 - (10) A social worker;
 - (11) A psychologist;
 - (12) A pharmacist;
 - (13) A physical therapist;
 - (14) A speech therapist;
 - (15) An occupational therapist;
 - (16) A mental health professional;
 - (17) A law enforcement official;
 - (18) A coroner;
 - (19) Emergency room personnel;
 - (20) An ambulance attendant;
 - (21) An emergency medical technician; or
 - (22) Unlicensed assistive personnel; or

2 (23) A clergy member acquiring the information as a
4 result of clerical professional work except for
 information received during confidential
6 communications; or

8 (24) An official of a church or other religious
 institution or association other than a person
10 described in subparagraph (23); or

12 **Sec. 2. 22 MRSA §4011-A, sub-§1, ¶A**, as enacted by PL 2001, c.
345, §5, is amended to read:

14 A. When acting in a professional capacity:

16 (1) An allopathic or osteopathic physician, resident or
 intern;

18 (2) An emergency medical services person;

20 (3) A medical examiner;

22 (4) A physician's assistant;

24 (5) A dentist;

26 (6) A dental hygienist;

28 (7) A dental assistant;

30 (8) A chiropractor;

32 (9) A podiatrist;

34 (10) A registered or licensed practical nurse;

36 (11) A teacher;

38 (12) A guidance counselor;

40 (13) A school official;

42 (14) A children's summer camp administrator or
44 counselor;

46 (15) A social worker;

48 (16) A court-appointed special advocate or guardian ad
50 litem for the child;

- 2 (17) A homemaker;
- 4 (18) A home health aide;
- 6 (19) A medical or social service worker;
- 8 (20) A psychologist;
- 10 (21) Child care personnel;
- 12 (22) A mental health professional;
- 14 (23) A law enforcement official;
- 16 (24) A state or municipal fire inspector;
- 18 (25) A municipal code enforcement official;
- 20 (26) A commercial film and photographic print processor;
- 22 (27) A clergy member acquiring the information as a result of clerical professional work except for information received during confidential communications; or
- 24
- 26 (28) A chair of a professional licensing board that has jurisdiction over mandated reporters; or
- 28
- 30 (29) An official of a church or other religious institution or association other than a person described in subparagraph (27); or
- 32

34

36

SUMMARY

38 Current law requires specified persons to report to the Department of Human Services when they know or have reasonable cause to suspect that a child has been or is likely to be abused or neglected. Current law also requires specified persons to report to the Department of Human Services when they suspect that an adult has been abused, neglected or exploited and the person has reasonable cause to suspect the adult is incapacitated or dependent. This bill amends both those laws to require officials of a church or other religious institution or association to report the suspected abuse, neglect or exploitation.

48 Current law requires clergy to report known or suspected child abuse or neglect. This bill adds clergy to the list of mandated reporters of adult abuse, neglect or exploitation.

50