

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 376

H.P. 296

House of Representatives, January 30, 2003

### **An Act To Encourage Lawful Investigations of Suspected Child Abuse and Neglect**

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Reference to the Committee on Judiciary suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative SMITH of Van Buren.  
Cosponsored by Senator MARTIN of Aroostook and  
Representatives: BLANCHETTE of Bangor, HUTTON of Bowdoinham, JACKSON of Fort  
Kent, LAVERRIERE-BOUCHER of Biddeford, MARRACHÉ of Waterville, PARADIS of  
Frenchville.

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

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**Sec. 1. 22 MRSA §4014, sub-§1**, as amended by PL 1987, c. 395  
Pt. A, §89, is further amended to read:

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**1. Reporting and proceedings.** A person, including an agent of the department, participating in good faith in reporting under this subchapter or participating in a related child protection investigation or proceeding, including, but not limited to, a multidisciplinary team, out-of-home abuse investigating team or other investigating or treatment team, is immune from any criminal or civil liability for the act of reporting or participating in the investigation or proceeding. "Good faith" does not include instances when a false report is made and the person knows the report is false and does not include actions that are in breach of state or federal laws, rules or regulations. Nothing in this section may be construed to bar criminal or civil action regarding perjury or regarding the abuse or neglect which that led to a report, investigation or proceeding.

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**SUMMARY**

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This bill clarifies that a person involved in a child protection investigation or proceeding is not immune from liability if that person breaches state or federal laws, rules or regulations.

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