

MAINE STATE LEGISLATURE

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DATE: 6/6/15

L.D. 482-
(Filing No. H-641)

HEALTH AND HUMAN SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to H.P. 357, L.D. 482, Bill, "An Act To Ensure Adequate Medical Care for Children"

Amend the bill by striking out the title and substituting the following:

'An Act To Ensure Adequate Health Care for Children'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 17-A MRSA §554, sub-§1, ¶B-2, as enacted by PL 2001, c. 429, §2, is amended to read:

B-2. Being a parent, foster parent, guardian or other person responsible for the long-term general care and welfare of a child under 16, recklessly fails to take reasonable measures to protect the child from the risk of further bodily injury after knowing:

(1) That the child had, in fact, sustained serious bodily injury or bodily injury under circumstances posing a substantial risk of serious bodily injury; and

(2) That such bodily injury was, in fact, caused by the unlawful use of physical force by another person; or

Sec. 2. 17-A MRSA §554, sub-§1, ¶B-3 is enacted to read:

COMMITTEE AMENDMENT

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2 B-3. Being the parent, foster parent, guardian or other
3 person having the care and custody of the child, knowingly
4 deprives the child of necessary health care, with the result
5 that the child is placed in danger of serious harm; or

6 **Sec. 3. 17-A MRSA §557**, as amended by PL 1995, c. 110, §2, is
7 further amended to read:

8 **§557. Other defenses**

10 For the purposes of this chapter, a person who in good faith
11 provides treatment for a child or dependent person by spiritual
12 means through prayer alone may not for that reason alone be
13 deemed determined to have knowingly endangered the welfare of
14 that child or dependent person.

16 **Sec. 4. 22 MRSA §4002, sub-§6, ¶B**, as enacted by PL 1979, c.
17 733, §18, is amended to read:

19 B. Deprivation of adequate food, clothing, shelter,
20 supervision or care, ~~including health care when that~~
21 ~~deprivation causes a threat of serious harm;~~

22 **Sec. 5. 22 MRSA §4002, sub-§6, ¶B-1** is enacted to read:

24 B-1. Deprivation of necessary health care when the
25 deprivation places the child in danger of serious harm;

26 **Sec. 6. 22 MRSA §4013**, as amended by PL 1983, c. 343, §2, is
27 repealed.'

28

29

30 **SUMMARY**

31 This amendment replaces the title and the bill. The
32 amendment balances the right of children to receive necessary
33 health care and the right to spiritual treatment from an
34 accredited practitioner of a recognized religious organization.
35 The amendment does the following:

36 1. It adds to the definition of the crime of "endangering
37 the welfare of a child" knowingly depriving a child of necessary
38 health care that places the child in danger of serious harm;

2 2. It removes the unnecessary word "alone" in the defense
4 to the crime of endangering the welfare of a child or dependent
person;

6 3. It amends the definition of "jeopardy to health or
welfare" to a child in the child protective laws to add
8 deprivation of necessary health care that places the child in
danger of serious harm; and

10 4. It repeals an unnecessary and confusing provision
12 regarding reporting to the Medical Examiner under the Maine
Revised Statutes, Title 22, section 4013, while leaving in
14 statute the requirement to report a child's death under Title 22,
section 3025, subsection 1, paragraph I.