

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 482

H.P. 357

House of Representatives, February 1, 2005

An Act To Ensure Adequate Medical Care for Children

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative DUDLEY of Portland.
Cosponsored by Senator STRIMLING of Cumberland and
Representatives: DUPREY of Hampden, FLETCHER of Winslow, GERZOFSKY of
Brunswick, HOTHAM of Dixfield, MARLEY of Portland, MARRACHÉ of Waterville,
PINGREE of North Haven, TRAHAN of Waldoboro.

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

4 **Sec. 1. 17-A MRSA §557**, as amended by PL 1995, c. 110, §2, is repealed.

6 **Sec. 2. 22 MRSA §1402, last ¶**, as enacted by PL 1995, c. 292, §1, is repealed.

8 **Sec. 3. 22 MRSA §4010, sub-§1**, as enacted by PL 1979, c. 733, §18, is repealed.

10 **Sec. 4. 22 MRSA §4013**, as amended by PL 1983, c. 343, §2, is further amended to read:

12 **§4013. Mandatory reporting to medical examiner for postmortem**
14 **investigation**

16 A person required to report cases of known or suspected
18 abuse or neglect, who knows or has reasonable cause to suspect
20 that a child has died as a result of abuse or neglect, shall
22 report that fact to the appropriate authority as provided in
24 section 3026. ~~A child shall not be considered to be abused or
neglected solely because he was provided with treatment by
spiritual means by an accredited practitioner of a recognized
religious organization.~~

26
28 **SUMMARY**

30 This bill repeals the following provisions of law regarding
spiritual health care treatment of children:

32 1. The defense against criminal prosecution for
34 endangerment of the welfare of a child for a person who provides
treatment for a child or dependent person by spiritual means
36 through prayer alone;

38 2. The exemption for health care practitioners who provide
treatment by spiritual means alone from the requirement of health
40 care providers to report to the Department of Health and Human
Services regarding treatment of persons with cancer;

42 3. The provision that treatment solely by spiritual means
44 by an accredited practitioner of a recognized religious
organization is not considered child abuse or neglect; and

46 4. The provision regarding mandatory reporting of abuse or
48 neglect to the medical examiner for postmortem investigation that
a child who has been treated solely by spiritual means by an
50 accredited practitioner of a recognized religious organization is
not considered child abuse or neglect.