

# MAINE STATE LEGISLATURE

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# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 1523

H.P. 1094

House of Representatives, May 9, 2013

**An Act To Strengthen the Laws Governing Mandatory Reporting of  
Child Abuse or 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 MALABY of Hancock. (GOVERNOR'S BILL)

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

2 **Sec. 1. 10 MRSA §8010** is enacted to read:

3 **§8010. Mandated reporter training**

4 A person required to report suspected child abuse or neglect under Title 22, section  
5 4011-A must have completed mandated reporter training approved by the Department of  
6 Health and Human Services within the previous 5 years before any professional license or  
7 certification for that person may be issued or renewed.

8 **Sec. 2. 22 MRSA §4011-A, sub-§§7 to 9** are enacted to read:

9 **7. Children under 6 months of age or otherwise nonambulatory.** A person  
10 required to make a report under subsection 1 shall report to the department if a child who  
11 is under 6 months of age or otherwise nonambulatory exhibits evidence of the following:

12 A. Fracture of a bone;

13 B. Substantial bruising or multiple bruises;

14 C. Subdural hematoma;

15 D. Burns;

16 E. Poisoning;

17 F. Failure to thrive; or

18 G. Injury resulting in substantial bleeding, soft tissue swelling or impairment of an  
19 organ.

20 **8. Failure to report.** A person who fails to make a report required under this section  
21 commits a Class E crime.

22 **9. Youth camp license revocation.** Notwithstanding any other provision of law, the  
23 commissioner may revoke the license of a youth camp required to be licensed under  
24 chapter 562 if an officer or agent of the youth camp fails to make a report required under  
25 this section. Such revocation is subject to the Maine Administrative Procedure Act. It is  
26 an affirmative defense under this subsection that the youth camp took adequate remedial  
27 action upon learning of the failure to report.

28 **SUMMARY**

29 This bill adds specific categories of injury for which mandatory reporting of child  
30 abuse or neglect is required for children who are under 6 months of age or otherwise  
31 nonambulatory. The bill makes any failure to report by a mandated reporter a Class E  
32 crime. The bill requires a person in the professional categories required to report  
33 suspected child abuse or neglect to have completed mandated reporter training within the  
34 previous 5 years before a professional license or certification may be issued or renewed.  
35 The bill also permits the Commissioner of Health and Human Services to revoke the  
36 license of a youth camp if an officer or agent of the camp fails to make a required report.