

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 199

S.P. 74

In Senate, January 27, 2015

An Act To Improve the Reporting of Child Abuse

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

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator DIAMOND of Cumberland.
Cosponsored by Senators: GERZOFSKY of Cumberland, McCORMICK of Kennebec,
SAVIELLO of Franklin.

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

2 **Sec. 1. 22 MRSA §4011-A, sub-§1**, as amended by PL 2009, c. 211, Pt. B, §18
3 and PL 2011, c. 657, Pt. W, §5, is further amended to read:

4 **1. Required report to department.** The following adult persons shall immediately
5 report ~~or cause a report to be made~~ to the department when the person knows or has
6 reasonable cause to suspect that a child has been or is likely to be abused or neglected or
7 that a suspicious child death has occurred:

8 A. When acting in a professional capacity:

- 9 (1) An allopathic or osteopathic physician, resident or intern;
- 10 (2) An emergency medical services person;
- 11 (3) A medical examiner;
- 12 (4) A physician's assistant;
- 13 (5) A dentist;
- 14 (6) A dental hygienist;
- 15 (7) A dental assistant;
- 16 (8) A chiropractor;
- 17 (9) A podiatrist;
- 18 (10) A registered or licensed practical nurse;
- 19 (11) A teacher;
- 20 (12) A guidance counselor;
- 21 (13) A school official;
- 22 (14) A youth camp administrator or counselor;
- 23 (15) A social worker;
- 24 (16) A court-appointed special advocate or guardian ad litem for the child;
- 25 (17) A homemaker;
- 26 (18) A home health aide;
- 27 (19) A medical or social service worker;
- 28 (20) A psychologist;
- 29 (21) Child care personnel;
- 30 (22) A mental health professional;
- 31 (23) A law enforcement official;
- 32 (24) A state or municipal fire inspector;
- 33 (25) A municipal code enforcement official;

- 1 (26) A commercial film and photographic print processor;
- 2 (27) A clergy member acquiring the information as a result of clerical
3 professional work except for information received during confidential
4 communications;
- 5 (28) A chair of a professional licensing board that has jurisdiction over mandated
6 reporters;
- 7 (29) A humane agent employed by the Department of Agriculture, Conservation
8 and Forestry;
- 9 (30) A sexual assault counselor;
- 10 (31) A family or domestic violence victim advocate; and
- 11 (32) A school bus driver or school bus attendant;
- 12 B. Any person who has assumed full, intermittent or occasional responsibility for the
13 care or custody of the child, regardless of whether the person receives compensation;
14 and
- 15 C. Any person affiliated with a church or religious institution who serves in an
16 administrative capacity or has otherwise assumed a position of trust or responsibility
17 to the members of that church or religious institution, while acting in that capacity,
18 regardless of whether the person receives compensation.

19 ~~Whenever a person is required to report in a capacity as a member of the staff of a~~
20 ~~medical or public or private institution, agency or facility, that person immediately shall~~
21 ~~notify either the person in charge of the institution, agency or facility or a designated~~
22 ~~agent who then shall cause a report to be made. The staff also may make a report directly~~
23 ~~to the department.~~

24 SUMMARY

25 This bill amends the law regarding mandated reporters of suspected child abuse and
26 neglect and of the suspicious death of a child by striking language allowing those
27 reporters to cause someone else to make a report. Language requiring the individual
28 mandated reporter to make a report is retained.