

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 474

H.P. 291

House of Representatives, February 7, 2023

**An Act to Improve Collaboration Between Mandatory Reporters
and Law Enforcement in the Investigation of Alleged Child Abuse
and Neglect**

Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.
Reference to the Committee on Health and Human Services suggested and ordered printed.

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT
Clerk

Presented by Representative MEYER of Eliot.

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

2 **Sec. 1. 22 MRSA §4011-A, sub-§2-A** is enacted to read:

3 **2-A. Disclosure to law enforcement officer.** Upon request of a law enforcement
4 officer investigating a report of child abuse or neglect, a member of the staff of a public or
5 private medical institution, agency or facility or person in charge of the institution, agency
6 or facility or the designated agent who made a report pursuant to subsection 1 shall disclose
7 to the law enforcement officer the same information the member or person reported to the
8 department.

9 **Sec. 2. 22 MRSA §4014, sub-§1**, as amended by PL 1987, c. 395, Pt. A, §89, is
10 further amended to read:

11 **1. Reporting and proceedings.** A person, including an agent of the department,
12 participating in good faith in reporting under this subchapter or participating in a related
13 child protection investigation or proceeding, including, but not limited to, a
14 multidisciplinary team, out-of-home abuse investigating team or other investigating or
15 treatment team, or a related law enforcement investigation or criminal justice proceeding
16 is immune from any criminal or civil liability for the act of reporting or participating in the
17 investigation or proceeding. Good faith does not include instances when a false report is
18 made and the person knows the report is false. ~~Nothing in this~~ This section may not be
19 construed to bar criminal or civil action regarding perjury or regarding the abuse or neglect
20 ~~which~~ that led to a report, investigation or proceeding.

21 **SUMMARY**

22 This bill requires that a member of the staff of a public or private medical institution,
23 agency or facility or person in charge of the institution, agency or facility or the designated
24 agent who made a mandated report disclose the same information the member or person
25 reported to the Department of Health and Human Services to a law enforcement officer
26 upon request of the law enforcement officer. The bill also provides immunity for a person
27 who made a report of suspected abuse or neglect who is participating in good faith in a law
28 enforcement investigation or criminal justice proceeding relating to suspected abuse or
29 neglect.