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Legislative Document

No. 2105

H.P. 1420

House of Representatives, January 7, 2026

An Act to Update Maine's Mandated Reporting Laws

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative MEYER of Eliot.
Cosponsored by Senator INGWERSEN of York.

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

2 **Sec. 1. 10 MRSA §8003-B, sub-§2-A, ¶D**, as amended by PL 2001, c. 345, §1, is
3 further amended to read:

4 D. The disclosure is necessary under Title 22, section ~~4011-A~~ 4011-D concerning
5 reports of suspected child abuse or neglect; or

6 **Sec. 2. 18-C MRSA §9-304, sub-§1, ¶B**, as enacted by PL 2017, c. 402, Pt. A, §2
7 and affected by PL 2019, c. 417, Pt. B, §14, is amended by amending subparagraph (6) to
8 read:

9 (6) Information obtained pursuant to this paragraph is confidential. The results of
10 background checks received by the court are for official use only and may not be
11 disseminated outside the court except as required under Title 22, section ~~4011-A~~
12 4011-D.

13 **Sec. 3. 20-A MRSA §13004, sub-§2-A, ¶B**, as amended by PL 2017, c. 235, §3
14 and affected by §41, is further amended by amending subparagraph (5) to read:

15 (5) Report child abuse or neglect under Title 22, section ~~4011-A~~ 4011-D.

16 **Sec. 4. 22 MRSA §3028, sub-§7**, as amended by PL 2013, c. 113, §10, is further
17 amended by amending the first blocked paragraph to read:

18 If an investigator reports suspected abuse, neglect or exploitation to the Chief Medical
19 Examiner, the Chief Medical Examiner, by reporting that information to the department on
20 behalf of the investigator, fulfills the medical examiner's mandatory reporting requirement
21 under section 3477 or ~~4011-A~~ 4011-D.

22 **Sec. 5. 22 MRSA §4002, sub-§6-A**, as enacted by PL 1985, c. 495, §16, is amended
23 to read:

24 **6-A. Licensed mental health professional.** "Licensed mental health professional"
25 means a psychiatrist, licensed psychologist, licensed clinical social worker ~~or~~, certified
26 social worker or community service provider as defined in Title 5, section 20003,
27 subsection 4.

28 **Sec. 6. 22 MRSA §4008, sub-§3, ¶L**, as amended by PL 2023, c. 151, §7, is further
29 amended to read:

30 L. To a licensing board of a mandated reporter, in the case of a mandated reporter
31 under section ~~4011-A, subsection 1~~ 4011-D who appears from the record or relevant
32 circumstances to have failed to make a required report. Any information disclosed by
33 the department personally identifying a licensee's client or patient remains confidential
34 and may be used only in a proceeding as provided by Title 5, section 9057, subsection
35 6;

36 **Sec. 7. 22 MRSA §4009**, as enacted by PL 1979, c. 733, §18, is repealed.

37 **Sec. 8. 22 MRSA §4011-A**, as corrected by RR 2025, c. 1, Pt. B, §4, is repealed.

38 **Sec. 9. 22 MRSA §4011-C, sub-§2**, as enacted by PL 2025, c. 353, §5, is amended
39 to read:

1 **2. Report.** When a health care provider suspects that an infant has been abused or
2 neglected, the provider shall report to the department in accordance with section ~~4011-A~~
3 ~~4011-D~~, subsection 1, ~~paragraph A~~. If the infant has a family care plan developed under
4 section 4004-C, subsection 2, a copy of the family care plan must accompany the report.

5 **Sec. 10. 22 MRSA §4011-C, sub-§3**, as enacted by PL 2025, c. 353, §5, is amended
6 to read:

7 **3. Definition.** For purposes of this section, "health care provider" means a person
8 ~~described in section 4011-A, subsection 1, paragraph A, subparagraphs (1) to (10), (15),~~
9 ~~(17) to (20) and (22) licensed under Title 32, chapter 31, 36, 48, 56, 81 or 83 or any person~~
10 who assists in the delivery or birth of a child for compensation, including, but not limited
11 to, a midwife.

12 **Sec. 11. 22 MRSA §4011-D** is enacted to read:

13 **§4011-D. Reporting of suspected abuse or neglect**

14 **1. Required report to department.** A person who in the normal course of the person's
15 professional duties interacts with children or with persons responsible for children shall
16 report to the department at the first reasonable opportunity but no later than 48 hours if the
17 person:

18 A. Suspects or has reason to believe that a child has been abused or neglected;

19 B. Has knowledge of or observes a child being subjected to conditions that could likely
20 result in abuse or neglect; or

21 C. Knows or has reason to believe that a suspicious child death has occurred.

22 A person with first-hand information about the suspected child abuse or neglect must make
23 the report.

24 An employer may not take any action to prevent or discourage an employee from making
25 a report under this subsection.

26 **2. Required report to district attorney.** When a mandated report is made to the
27 department under subsection 1, the department shall report to the appropriate district
28 attorney's office any instance in which the reported child abuse or neglect or suspicious
29 child death is caused by a person not responsible for the child.

30 **3. Disclosure to law enforcement officer.** Upon request of a law enforcement officer
31 investigating a report of child abuse or neglect, a member of the staff of a public or private
32 medical institution, agency or facility or person in charge of the institution, agency or
33 facility or the designated agent who made a report pursuant to subsection 1 shall disclose
34 to the law enforcement officer the same information the staff member or person reported
35 to the department pursuant to subsection 1.

36 **4. Optional report.** Any person may make a report to the department if that person:

37 A. Suspects or has reason to believe that a child has been abused or neglected;

38 B. Has knowledge of or observes a child being subjected to conditions that could likely
39 result in abuse or neglect; or

40 C. Knows or has reason to believe that there has been a suspicious child death.

1 **5. Mental health treatment.** When a licensed mental health professional is required
2 to report under subsection 1 and the reportable information comes from the treatment of a
3 person responsible for the child or the child who is the subject of the report, the licensed
4 mental health professional may include in the licensed mental health professional's report
5 a request that the department consider the impact of any resulting investigation or action
6 on the licensed mental health professional's ongoing treatment of the person that is the
7 subject of the report. The department shall take reasonable steps to engage with the
8 licensed mental health professional to avoid impairing, to the extent possible, the licensed
9 mental health professional's ongoing ability to treat the person involved in the report.

10 **6. Photographs of visible trauma.** Whenever a staff member of a law enforcement
11 agency or hospital is required to report under subsection 1, the staff member shall make
12 reasonable efforts to take, or cause to be taken, color photographs of any areas of trauma
13 visible on a child.

14 A. The photographs must be taken with minimal trauma to the child and in a manner
15 consistent with professional standards. The parent's or custodian's consent to the taking
16 of photographs is not required.

17 B. Photographs must be made available to the department as soon as reasonably
18 possible. The department shall pay the reasonable costs of the photographs from funds
19 appropriated for child welfare services.

20 C. The staff member of a law enforcement agency or hospital shall notify the
21 department as soon as reasonably possible if that person is unable to take, or cause to
22 be taken, these photographs.

23 D. Designated agents of the department may take photographs of any subject matter
24 when necessary and relevant to an investigation of a report of suspected abuse or
25 neglect or to subsequent child protection proceedings.

26 **7. Permissive reporting of animal cruelty, abuse or neglect.** Notwithstanding any
27 other provision of state law imposing a duty of confidentiality, a person required to report
28 under subsection 1 may report a reasonable suspicion of animal cruelty, abuse or neglect
29 to the local animal control officer or to the animal welfare program of the Department of
30 Agriculture, Conservation and Forestry established pursuant to Title 7, section 3902. For
31 purposes of this subsection, the reporter shall disclose only such limited confidential
32 information as is necessary for the local animal control officer or animal welfare program
33 employee to identify the animal's location and status and the owner's name and address.
34 For purposes of this subsection, "cruelty, abuse or neglect" has the same meaning as in
35 Title 34-B, section 1901, subsection 1, paragraph B. A reporter under this subsection may
36 assert immunity from civil and criminal liability under Title 34-B, chapter 1, subchapter 6.

37 **8. Children under 6 months of age or otherwise nonambulatory.** A person required
38 to make a report under subsection 1 shall report to the department if a child who is under 6
39 months of age or otherwise nonambulatory exhibits evidence of the following:

40 A. Fracture of a bone;

41 B. Substantial bruising or multiple bruises;

42 C. Subdural hematoma;

43 D. Burns;

1 E. Poisoning; or

2 F. Injury resulting in substantial bleeding, soft tissue swelling or impairment of an
3 organ.

4 This subsection does not require the reporting of injuries occurring as a result of the
5 delivery of a child attended by a licensed medical practitioner or the reporting of burns or
6 other injuries occurring as a result of medical treatment following the delivery of the child
7 while the child remains hospitalized following the delivery.

8 **9. Training requirement.** A person required to make a report under subsection 1
9 shall complete at least once every 2 years mandated reporter training approved by the
10 department.

11 **Sec. 12. 22 MRSA §4021, sub-§3, ¶C,** as amended by PL 2023, c. 248, §3, is
12 further amended by amending the first blocked paragraph to read:

13 ~~Violation of this paragraph subjects any person involved in the violation, including~~
14 ~~individual school personnel, to the penalty provided in section 4009.~~ This section does
15 not apply to out-of-home abuse and neglect allegations as covered under subchapter
16 18.

17 **Sec. 13. 22 MRSA §4093, 3rd ¶,** as amended by PL 2013, c. 368, Pt. CCCC, §4,
18 is further amended to read:

19 The family support team shall provide a multidisciplinary approach for suspected child
20 abuse cases that are initially identified in hospital emergency rooms, inpatient pediatric
21 departments and ambulatory clinics. The child protective staff of the Office of Child and
22 Family Services shall participate on the teams. The team shall report immediately to the
23 department as required in section ~~4011-A~~ 4011-D.

24 **Sec. 14. 26 MRSA §833, sub-§3,** as amended by PL 2001, c. 345, §7, is further
25 amended to read:

26 **3. Reports of suspected abuse.** An employee required to report suspected abuse,
27 neglect or exploitation under Title 22, section 3477 or ~~4011-A~~, 4011-D shall follow the
28 requirements of those sections under those circumstances. ~~No~~ An employer may not
29 discharge, threaten or otherwise discriminate against an employee regarding the employee's
30 compensation, terms, conditions, location or privileges of employment because the
31 employee followed the requirements of those sections.

32 **Sec. 15. 32 MRSA §7005, last ¶,** as amended by PL 2001, c. 345, §9, is further
33 amended to read:

34 ~~Nothing in this~~ This section ~~may~~ does not prohibit disclosure by a person licensed
35 under this chapter of information concerning a client when that disclosure is required by
36 law, and ~~nothing in this section may~~ does not modify or affect the provisions of Title 22,
37 sections ~~4011-A~~ 4011-C to 4015.

38 **Sec. 16. 32 MRSA §7361, sub-§1, ¶F,** as enacted by PL 2013, c. 316, §3 and
39 affected by §5, is amended by amending the first blocked paragraph to read:

40 The duty to report provided in this paragraph does not abrogate any other duty an
41 examiner has to report by virtue of the examiner's profession pursuant to Title 22,
42 section 3477 or ~~4011-A~~ 4011-D.

Sec. 17. 32 MRSA §13862, 2nd ¶, as amended by PL 2001, c. 345, §10, is further amended to read:

~~Nothing in this~~ This section ~~may~~ does not prohibit disclosure by a person licensed under this chapter of information concerning a client when that disclosure is required by law, and ~~nothing in this section may~~ does not modify or affect Title 22, sections 3477 to 3479-A and ~~4011-A~~ 4011-C to 4015.

Sec. 18. 32 MRSA §18393, sub-§4, ¶D, as enacted by PL 2015, c. 429, §21, is amended to read:

D. There is not any privilege under this section as to disclosure of information concerning a patient when that disclosure is required by law, and ~~nothing in this section may~~ does not modify or affect the provisions of Title 22, sections ~~4011-A~~ 4011-C to 4015 and Title 29-A, section 2405.

SUMMARY

This bill makes the following changes to the mandated reporter law.

1. It removes the list of specified mandated reporters and requires a person who in the normal course of the person's professional duties interacts with children or persons responsible for children to be a mandated reporter.

2. It removes the penalty for violations of the mandated reporter law.

3. It requires a report of abuse or neglect to be made within 48 hours.

4. It requires the training for mandated reporters to be every 2 years instead of every 4 years.

5. It requires the person who suspects the abuse or neglect of a child to make the report.

6. It requires the Department of Health and Human Services, rather than the mandated reporter, to report to the appropriate district attorney's office when the abuse or neglect is caused by a person not responsible for the child.

7. It corrects cross-references to reflect the new section of law for mandated reporting.