



# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 199

S.P. 74

In Senate, January 27, 2015

### An Act To Improve the Reporting of Child Abuse

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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.