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HEALTH AND HUMAN SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
132ND LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1420, L.D. 2105, “An Act to Update Maine's Mandated Reporting Laws”

Amend the bill by striking out everything after the enacting clause and inserting the following:

Sec. 1. 22 MRSA §4002, sub-§5-E is enacted to read:

5-E. Health care practitioner. "Health care practitioner" means a physician or any other person certified, registered or licensed in the healing arts, including, but not limited to, a nurse, nurse practitioner, podiatrist, optometrist, chiropractor, dentist, dental hygienist, dental assistant, physician associate and emergency medical services provider.

Sec. 2. 22 MRSA §4002, sub-§6-A, as enacted by PL 1985, c. 495, §16, is amended to read:

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

Sec. 3. 22 MRSA §4009, as enacted by PL 1979, c. 733, §18, is repealed.

Sec. 4. 22 MRSA §4011-A, sub-§1, as corrected by RR 2025, c. 1, Pt. B, §4, is amended to read:

1. Required report to department. The following adult persons shall immediately, within no more than 24 hours, report or cause a report to be made to the department when the person knows or has reasonable cause to suspect that a child has been or is likely to be abused or neglected or that a suspicious child death has occurred:

~~A. When acting in a professional capacity:~~

~~(1) An allopathic or osteopathic physician, resident or intern;~~

~~(2) An emergency medical services person;~~

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- 1 ~~(3) A medical examiner;~~
- 2 ~~(4) A physician associate;~~
- 3 ~~(5) A dentist;~~
- 4 ~~(6) A dental hygienist;~~
- 5 ~~(7) A dental assistant;~~
- 6 ~~(8) A chiropractor;~~
- 7 ~~(9) A podiatrist;~~
- 8 ~~(10) A registered or licensed practical nurse;~~
- 9 ~~(11) A teacher;~~
- 10 ~~(12) A guidance counselor;~~
- 11 ~~(13) A school official;~~
- 12 ~~(14) A youth camp administrator or counselor;~~
- 13 ~~(15) A social worker;~~
- 14 ~~(16) A court-appointed special advocate or guardian ad litem for the child;~~
- 15 ~~(17) A homemaker;~~
- 16 ~~(18) A home health aide;~~
- 17 ~~(19) A medical or social service worker;~~
- 18 ~~(20) A psychologist;~~
- 19 ~~(21) Child care personnel;~~
- 20 ~~(22) A mental health professional;~~
- 21 ~~(23) A law enforcement official;~~
- 22 ~~(24) A state or municipal fire inspector;~~
- 23 ~~(25) A municipal code enforcement official;~~
- 24 ~~(26) A commercial film and photographic print processor;~~
- 25 ~~(27) A clergy member acquiring the information as a result of clerical professional~~
- 26 ~~work except for information received during confidential communications;~~
- 27 ~~(28) A chair of a professional licensing board that has jurisdiction over mandated~~
- 28 ~~reporters;~~
- 29 ~~(29) A humane agent employed by the Department of Agriculture, Conservation~~
- 30 ~~and Forestry;~~
- 31 ~~(30) A sexual assault counselor;~~
- 32 ~~(31) A family or domestic violence victim advocate; and~~
- 33 ~~(32) A school bus driver or school bus attendant;~~
- 34 A-1. When acting in a professional capacity:
- 35 (1) School personnel;

- 1 (2) A health care practitioner;
- 2 (3) A medical examiner;
- 3 (4) A youth camp administrator or counselor;
- 4 (5) Child care personnel;
- 5 (6) A social worker;
- 6 (7) A court-appointed special advocate or guardian ad litem for the child;
- 7 (8) A sexual assault counselor;
- 8 (9) A family or domestic violence victim advocate;
- 9 (10) A licensed mental health professional;
- 10 (11) A law enforcement official;
- 11 (12) A municipal code enforcement official; and
- 12 (13) A person affiliated with a church or other religious institution, including, but
- 13 not limited to, a member of the clergy, who serves in an administrative capacity or
- 14 has otherwise assumed a position of trust or responsibility regardless of whether
- 15 the person receives compensation for that role.

16 ~~B. Any person who has assumed full, intermittent or occasional responsibility for the~~
17 ~~care or custody of the child, regardless of whether the person receives compensation;~~
18 ~~and~~

19 ~~C. Any person affiliated with a church or religious institution who serves in an~~
20 ~~administrative capacity or has otherwise assumed a position of trust or responsibility~~
21 ~~to the members of that church or religious institution, while acting in that capacity,~~
22 ~~regardless of whether the person receives compensation.~~

23 Whenever possible, the person with first-hand information about suspected child abuse or
24 neglect shall make the report.

25 Whenever a person is required to report in a capacity as a member of the staff of a medical
26 or public or private institution, agency or facility, that person immediately shall notify
27 either the person in charge of the institution, agency or facility or a designated agent who
28 then shall cause a report to be made. If a designated agent is required to make the report,
29 that designated agent is responsible for meeting the requirements of this section. The staff
30 also may make a report directly to the department. The institution, agency or facility may
31 establish internal procedures to facilitate reporting, as long as those procedures are not
32 inconsistent with this subsection.

33 ~~If a person required to report notifies either the person in charge of the institution, agency~~
34 ~~or facility or the designated agent, the notifying person shall acknowledge in writing that~~
35 ~~the institution, agency or facility has provided confirmation to the notifying person that~~
36 ~~another individual from the institution, agency or facility has made a report to the~~
37 ~~department. The confirmation must include, at a minimum, the name of the individual~~
38 ~~making the report to the department, the date and time of the report and a summary of the~~
39 ~~information conveyed. If the notifying person does not receive the confirmation from the~~
40 ~~institution, agency or facility within 24 hours of the notification, the notifying person~~
41 ~~immediately shall make a report directly to the department.~~

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1 This subsection may not be construed to prohibit a person required to report under this
2 subsection from seeking consultation to determine if a report to the department is required.

3 An employer may not take any action to prevent or discourage an employee from making
4 a report.

5 **Sec. 5. 22 MRSA §4011-A, sub-§1-A**, as enacted by PL 2007, c. 139, §2, is
6 repealed.

7 **Sec. 6. 22 MRSA §4011-A, sub-§2**, as amended by PL 2015, c. 117, §2, is repealed
8 and the following enacted in its place:

9 **2. Required report to district attorney.** When a mandated report is made to the
10 department under subsection 1, the department shall report to the appropriate district
11 attorney's office any instance in which the reported child abuse or neglect or suspicious
12 child death is caused by a person not responsible for the child. A person required to report
13 under subsection 1 may also report directly to the appropriate district attorney's office.

14 **Sec. 7. 22 MRSA §4011-A, sub-§4**, as amended by PL 2007, c. 586, §13, is
15 repealed.

16 **Sec. 8. 22 MRSA §4011-A, sub-§4-A** is enacted to read:

17 **4-A. Mental health treatment.** When a licensed mental health professional is
18 required to report under subsection 1 and the reportable information comes from the
19 treatment of a person responsible for the child or the child who is the subject of the report,
20 the licensed mental health professional may include in the licensed mental health
21 professional's report a request that the department consider the impact of any resulting
22 investigation or action on the licensed mental health professional's ongoing treatment of
23 the person who is the subject of the report. The department shall take reasonable steps to
24 engage with the licensed mental health professional to avoid impairing, to the extent
25 possible, the licensed mental health professional's ongoing ability to treat the person who
26 is the subject of the report.

27 **Sec. 9. 22 MRSA §4011-A, sub-§8**, as enacted by PL 2015, c. 274, §7, is repealed.

28 **Sec. 10. 22 MRSA §4011-A, sub-§9**, as enacted by PL 2015, c. 407, §1, is amended
29 to read:

30 **9. Training requirement.** A person required to make a report under subsection 1
31 shall complete at least once every 4 2 years mandated reporter training approved by the
32 department.

33 **Sec. 11. 22 MRSA §4011-A, sub-§10** is enacted to read:

34 **10. Authority of licensing board.** This section may not be construed to limit the
35 authority of an appropriate licensing board to take action related to a violation of this
36 section.

37 **Sec. 12. 22 MRSA §4011-C, sub-§2**, as enacted by PL 2025, c. 353, §5, is amended
38 to read:

39 **2. Report.** When a health care provider suspects that an infant has been abused or
40 neglected, the provider shall report to the department in accordance with section 4011-A,

1 subsection 1, paragraph A ~~A-1~~. If the infant has a family care plan developed under section
2 4004-C, subsection 2, a copy of the family care plan must accompany the report.

3 **Sec. 13. 22 MRSA §4011-C, sub-§3**, as enacted by PL 2025, c. 353, §5, is amended
4 to read:

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

10 **Sec. 14. 22 MRSA §4021, sub-§3, ¶C**, as amended by PL 2023, c. 248, §3, is
11 further amended by amending the first blocked paragraph to read:

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

16 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
17 number to read consecutively.

18 SUMMARY

19 This amendment replaces the bill. It replaces the list of mandated reporters of child
20 abuse and neglect in the Maine Revised Statutes, Title 22 with a list that consolidates
21 categories of mandated reporters and removes some from the list.

22 The amendment also requires that mandated reporters make a report within a 24-hour
23 period.

24 The amendment keeps the current statutory structure of mandated reporters in
25 institutions, agencies or facilities to use the designated agent system, although the person
26 with first-hand information about suspected child abuse or neglect must make the report
27 whenever possible. The institution, agency or facility may establish internal procedures to
28 facilitate reporting. The amendment also clarifies that a person required to report may seek
29 consultation to determine if a report is required.

30 The amendment also clarifies that Title 22, section 4021 does not limit the authority of
31 an appropriate licensing board of a mandated reporter to take action for a violation of the
32 mandated reporter requirements in statute.

33 FISCAL NOTE REQUIRED

34 (See attached)