

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-SIX

H.P. 1420 - L.D. 2105

An Act to Update Maine's Mandated Reporting Laws

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

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Sec. 3. 22 MRSA §4009, as enacted by PL 1979, c. 733, §18, is repealed.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;~~
- ~~(3) A medical examiner;~~
- ~~(4) A physician associate;~~
- ~~(5) A dentist;~~

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

A-1. When acting in a professional capacity:

- (1) School personnel;
- (2) A health care practitioner;
- (3) A medical examiner;
- (4) A youth camp administrator or counselor;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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