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An Act To Strengthen the Laws Governing Mandatory Reporting of Child Abuse or Neglect

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

Sec. 1. 10 MRSA §8010 is enacted to read:

§ 8010. Mandated reporter training

A person required to report suspected child abuse or neglect under Title 22, section 4011-A must have completed mandated reporter training approved by the Department of Health and Human Services within the previous 5 years before any professional license or certification for that person may be issued or renewed.

Sec. 2. 22 MRSA §4011-A, sub-§§7 to 9 are enacted to read:

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

- A. Fracture of a bone;
- B. Substantial bruising or multiple bruises;
- C. Subdural hematoma;
- D. Burns;
- E. Poisoning;
- F. Failure to thrive; or
- G. Injury resulting in substantial bleeding, soft tissue swelling or impairment of an organ.

8. Failure to report. A person who fails to make a report required under this section commits a Class E crime.

9. Youth camp license revocation. Notwithstanding any other provision of law, the commissioner may revoke the license of a youth camp required to be licensed under chapter 562 if an officer or agent of the youth camp fails to make a report required under this section. Such revocation is subject to the Maine Administrative Procedure Act. It is an affirmative defense under this subsection that the youth camp took adequate remedial action upon learning of the failure to report.

SUMMARY

This bill adds specific categories of injury for which mandatory reporting of child abuse or neglect is required for children who are under 6 months of age or otherwise nonambulatory. The bill makes any failure to report by a mandated reporter a Class E crime. The bill requires a person in the professional categories required to report suspected child abuse or neglect to have completed mandated reporter training within the previous 5 years before a professional license or certification may be issued or renewed. The bill also permits the Commissioner of Health and Human Services to revoke the license of a youth camp if an officer or agent of the camp fails to make a required report.