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LD1459 An Act to Make General Assistance Officers Mandated Reporters

*Testimony of Rep. Henderson - Rumford
April 28th, 2025*

Senator Ingwersen, Representative Meyer, and distinguished members of the Joint Standing Committee on Health and Human Services. I am Rachel Henderson, and I have the distinct honor of representing the people of District-78 in the Maine House. My district is comprised of the beautiful towns of Bethel, Byron, Hanover, Milton TWP, Roxbury, and my home town of Rumford.

I stand before you today to introduce my bill LD1459, *An Act to Make General Assistance Officers Mandated Reporters*.

About a year ago this concern was brought to my attention by my town. As I'm sure each of you are aware, General Assistance Officers are bound by strict confidentiality laws. Meaning that they cannot disclose records, papers, files, OR communications. NO information about the applicant or recipient may be disclosed to the public without the explicit permission of the person involved.

This confidentiality is NOT something I am looking to remove. Last week I shared with you my personal experience seeing state assistance, and the internal struggle I faced. Confidentiality surrounding GA is necessary.

Except in the rare instances of suspected abuse.

Making a General Assistance (GA) officer a mandated reporter is critically important for several reasons, primarily centered around the safety and well-being of vulnerable populations, such as children, elderly individuals, or recipients of social services.

Protection of Vulnerable Populations: GA officers often work with individuals who may be at risk of abuse, neglect, or exploitation. Mandating them as reporters ensures that signs of harm are promptly identified and addressed.

Legal and Ethical Responsibility: Mandated reporting laws are designed to uphold the duty of care owed to vulnerable individuals.

Early Intervention: Prompt reporting can lead to early intervention, preventing further harm and enabling access to necessary services or protective measures.

Compliance with Laws: Many jurisdictions legally require certain professionals, including social service workers and officers involved in assistance programs, to report suspected abuse or neglect. Making GA officers mandated reporters ensures compliance with these laws.

Building Trust with the Community: Knowing that assistance officers are mandated reporters can increase trust among clients, who may feel more secure knowing that concerns of abuse or neglect will be taken seriously and acted upon.

Supporting Interagency Collaboration: Mandated reporters often work in conjunction with law enforcement, child protective services, or adult protective services, facilitating a coordinated response to suspected cases.

In summary: Making a General Assistance officer a mandated reporter is a vital step in safeguarding at-risk individuals, ensuring legal compliance, promoting early intervention, and fostering a safer, more responsive community environment.

Thank you for your time and consideration of this bill.

I am willing to take questions.

Rep. Rachel Henderson

Title 22: HEALTH AND WELFARE

Subtitle 3: INCOME SUPPLEMENTATION

Part 3: CHILDREN

Chapter 1071: CHILD AND FAMILY SERVICES AND CHILD PROTECTION ACT

Subchapter 2: REPORTING OF ABUSE OR NEGLECT

§4011-A. Reporting of suspected abuse or neglect

1. Required report to department. The following adult persons shall immediately 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's assistant;
- (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; [PL 2009, c. 211, Pt. B, §18 (AMD); PL 2011, c. 657, Pt. W, §5 (REV).]

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 [PL 2003, c. 210, §3 (AMD).]

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. [PL 2003, c. 210, §4 (NEW).]

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. The staff also may make a report directly to the department.

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.

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

[PL 2015, c. 117, §1 (AMD).]

1-A. Permitted reporters. An animal control officer, as defined in Title 7, section 3907, subsection 4 ([../title7sec3907.html](#)), may report to the department when that person knows or has reasonable cause to suspect

that a child has been or is likely to be abused or neglected.

[PL 2007, c. 139, §2 (NEW).]

2. Required report to district attorney. When, while acting in a professional capacity, any person required to report under this section knows or has reasonable cause to suspect that a child has been abused or neglected by a person not responsible for the child or that a suspicious child death has been caused by a person not responsible for the child, the person immediately shall report or cause a report to be made to the appropriate district attorney's office.

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. The staff also may make a report directly to the appropriate district attorney's office.

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 appropriate district attorney's office. The confirmation must include, at a minimum, the name of the individual making the report to the appropriate district attorney's office, 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 appropriate district attorney's office.

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

[PL 2015, c. 117, §2 (AMD).]

2-A. Disclosure to law enforcement officer. Upon request of a law enforcement officer investigating a report of child abuse or neglect, a member of the staff of a public or private medical institution, agency or facility or person in charge of the institution, agency or facility or the designated agent who made a report pursuant to subsection 1 shall disclose to the law enforcement officer the same information the member or person reported to the department.

[PL 2023, c. 146, §1 (NEW).]

3. Optional report. Any person may make a report if that person knows or has reasonable cause to suspect that a child has been or is likely to be abused or neglected or that there has been a suspicious child death.

[PL 2007, c. 586, §12 (AMD).]

4. Mental health treatment. When a licensed mental health professional is required to report under subsection 1 (./22/title22sec4011-A.html) and the knowledge or 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 comes from treatment of a person responsible for the abuse, neglect or death, the licensed mental health professional shall report to the department in accordance with subsection 1 (./22/title22sec4011-A.html) and under the following conditions.

A. The department shall consult with the licensed mental health professional who has made the report and shall attempt to reach agreement with the mental health professional as to how the report is to be pursued. If agreement is not reached, the licensed mental health professional may request a meeting under paragraph B (./22/title22sec4011-A.html). [PL 2001, c. 345, §5 (NEW).]

B. Upon the request of the licensed mental health professional who has made the report, after the department has completed its investigation of the report under [section 4021 \(../22/title22sec4021.html\)](#) or has received a preliminary protection order under [section 4034 \(../22/title22sec4034.html\)](#) and when the department plans to initiate or has initiated a jeopardy order under [section 4035 \(../22/title22sec4035.html\)](#) or plans to refer or has referred the report to law enforcement officials, the department shall convene at least one meeting of the licensed mental health professional who made the report, at least one representative from the department, a licensed mental health professional with expertise in child abuse or neglect and a representative of the district attorney's office having jurisdiction over the report, unless that office indicates that prosecution is unlikely.

[PL 2001, c. 345, §5 (NEW).]

C. The persons meeting under [paragraph B \(../22/title22sec4011-A.html\)](#) shall make recommendations regarding treatment and prosecution of the person responsible for the abuse, neglect or death. The persons making the recommendations shall take into account the nature, extent and severity of abuse or neglect, the safety of the child and the community and needs of the child and other family members for treatment of the effects of the abuse or neglect and the willingness of the person responsible for the abuse, neglect or death to engage in treatment. The persons making the recommendations may review or revise these recommendations at their discretion. [PL 2007, c. 586, §13 (AMD).]

The intent of this subsection is to encourage offenders to seek and effectively utilize treatment and, at the same time, provide any necessary protection and treatment for the child and other family members.

[PL 2007, c. 586, §13 (AMD).]

5. Photographs of visible trauma. Whenever a person is required to report as a staff member of a law enforcement agency or a hospital, that person shall make reasonable efforts to take, or cause to be taken, color photographs of any areas of trauma visible on a child.

A. The taking of photographs must be done with minimal trauma to the child and in a manner consistent with professional standards. The parent's or custodian's consent to the taking of photographs is not required. [PL 2001, c. 345, §5 (NEW).]

B. Photographs must be made available to the department as soon as possible. The department shall pay the reasonable costs of the photographs from funds appropriated for child welfare services. [PL 2001, c. 345, §5 (NEW).]

C. The person shall notify the department as soon as possible if that person is unable to take, or cause to be taken, these photographs. [PL 2001, c. 345, §5 (NEW).]

D. Designated agents of the department may take photographs of any subject matter when necessary and relevant to an investigation of a report of suspected abuse or neglect or to subsequent child protection proceedings. [PL 2001, c. 345, §5 (NEW).]

[PL 2001, c. 345, §5 (NEW).]

6. Permissive reporting of animal cruelty, abuse or neglect. Notwithstanding any other provision of state law imposing a duty of confidentiality, a person listed in [subsection 1 \(../22/title22sec4011-A.html\)](#) may report a reasonable suspicion of animal cruelty, abuse or neglect to the local animal control officer or to the animal welfare program of the Department of Agriculture, Conservation and Forestry established pursuant to [Title 7, section 3902 \(../7/title7sec3902.html\)](#). For purposes of this subsection, the reporter shall disclose only such limited confidential

information as is necessary for the local animal control officer or animal welfare program employee to identify the animal's location and status and the owner's name and address. For purposes of this subsection, "cruelty, abuse or neglect" has the same meaning as provided in Title 34-B, section 1901 ([../34-B/title34-Bsec1901.html](#)), subsection 1, paragraph B. A reporter under this subsection may assert immunity from civil and criminal liability under Title 34-B, chapter 1, subchapter 6 ([../34-B/title34-Bch1sec0.html](#)).

[PL 2007, c. 140, §8 (NEW); PL 2011, c. 657, Pt. W, §5 (REV).]

7. Children under 6 months of age or otherwise nonambulatory. A person required to make a report under subsection 1 ([../22/title22sec4011-A.html](#)) 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; [PL 2013, c. 268, §1 (NEW).]

B. Substantial bruising or multiple bruises; [PL 2013, c. 268, §1 (NEW).]

C. Subdural hematoma; [PL 2013, c. 268, §1 (NEW).]

D. Burns; [PL 2013, c. 268, §1 (NEW).]

E. Poisoning; or [PL 2013, c. 268, §1 (NEW).]

F. Injury resulting in substantial bleeding, soft tissue swelling or impairment of an organ. [PL 2013, c. 268, §1 (NEW).]

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

[PL 2015, c. 178, §1 (AMD).]

8. Required report of residence with nonfamily. A person required to make a report under subsection 1 ([../22/title22sec4011-A.html](#)) shall report to the department if the person knows or has reasonable cause to suspect that a child is not living with the child's family. Although a report may be made at any time, a report must be made immediately if there is reason to suspect that a child has been living with someone other than the child's family for more than 6 months or if there is reason to suspect that a child has been living with someone other than the child's family for more than 12 months pursuant to a power of attorney or other nonjudicial authorization.

[PL 2015, c. 274, §7 (NEW).]

9. Training requirement. A person required to make a report under subsection 1 ([../22/title22sec4011-A.html](#)) shall complete at least once every 4 years mandated reporter training approved by the department.

[PL 2015, c. 407, §1 (NEW).]

SECTION HISTORY

PL 2001, c. 345, §5 (NEW). PL 2003, c. 145, §2 (AMD). PL 2003, c. 210, §§3,4 (AMD). PL 2003, c. 510, §E3 (AMD). PL 2003, c. 510, §E4 (AFF). PL 2003, c. 599, §8 (AMD). PL 2003, c. 599, §§9,14 (AFF). PL 2007, c. 139, §2 (AMD). PL 2007, c. 140, §8 (AMD). PL 2007, c. 577, §6 (AMD). PL 2007, c. 586, §§10-13 (AMD). PL 2009, c. 41, §1 (AMD). PL 2009, c. 211, Pt. B, §18 (AMD). PL 2011, c. 657, Pt. W, §5 (REV). PL 2013, c. 268, §1 (AMD). PL 2015, c. 117, §§1, 2 (AMD). PL 2015, c. 178, §1 (AMD). PL 2015, c. 274, §7 (AMD). PL 2015, c. 407, §1 (AMD). PL 2023, c. 146, §1 (AMD).

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Title 22: HEALTH AND WELFARE
Subtitle 3: INCOME SUPPLEMENTATION
Part 5: MUNICIPAL SUPPORT OF THE POOR
Chapter 1161: MUNICIPAL GENERAL ASSISTANCE

§4306. Records; confidentiality of information

The overseer shall keep complete and accurate records pertaining to general assistance, including the names of eligible persons assisted and the amounts paid for their assistance. Records, papers, files and communications relating to an applicant or recipient made or received by persons charged with responsibility of administering this chapter are confidential and no information relating to a person who is an applicant or recipient may be disclosed to the general public, unless expressly permitted by that person. [PL 1983, c. 577, §1 (NEW) .]

SECTION HISTORY

PL 1983, c. 577, §1 (NEW) .

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