

# MAINE STATE LEGISLATURE

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L.D. 1847  
(Filing No. S-415)

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STATE OF MAINE  
SENATE  
110TH LEGISLATURE  
SECOND REGULAR SESSION

6 COMMITTEE AMENDMENT "B" to S.P. 779, L.D. 1847, Bill,  
7 "AN ACT to Require Mandatory Reporting of Elderly Abuse."

8 Amend the bill by striking out all of the title and  
9 inserting in its place the following:

10 'AN ACT to Provide Immunity from Liability for those Report-  
11 ing Abuse of Incapacitated or Dependent Adults.'

12 Further amend the bill by striking out everything after  
13 the enacting clause and inserting in its place the follow-  
14 ing:

15 'Sec. 1. 22 MRSA §3477 is enacted to read:

16 §3477. Immunity from liability

17 1. Reporting and proceedings. Any allopathic or  
18 osteopathic physician, intern, medical examiner, physician's  
19 assistant, dentist, chiropractor, podiatrist, registered or  
20 licensed practical nurse, Christian Science practitioner,  
21 nursing or boarding home administrator, social worker,  
22 homemaker, home health aide, medical or social service work-  
23 er, psychologist, pharmacist, physical therapist, speech  
24 therapist, occupational therapist, mental health profes-  
25 sional, member of the clergy, law enforcement official or  
26 coroner who, while acting in his professional capacity,  
27 knows or has reasonable cause to suspect that an incapacit-  
28 ated or dependent adult has been abused, neglected, or  
29 exploited, and is reporting this condition in good faith, or  
30 who participates in a related adult protection investigation  
31 or proceeding, is immune from any civil liability that might  
32 otherwise result from these actions.

33 2. Presumption of good faith. In a proceeding regard-  
34 ing immunity from liability, there shall be a rebuttable  
35 presumption of good faith.

36 Sec. 2. Report of department to committee. The

1 COMMITTEE AMENDMENT "B" to S.P. 779, L.D. 1847

2 Department of Human Services shall report to the joint  
3 standing committee of the Legislature having jurisdiction  
4 over health and institutional services on or before January  
5 15, 1983. The report shall identify the number of com-  
6 plaints received by the department, the number of investiga-  
7 tions made as a result of these complaints and the personnel  
8 and resources used to respond to these complaints.

9 STATEMENT OF FACT

10 This amendment provides immunity from liability for  
11 those persons listed who report or participate in a proceed-  
12 ing related to a reported, known or suspected case of abuse,  
13 neglect or exploitation of incapacitated or dependent  
14 adults.

15 It also requires a report to the committee of the  
16 Legislature having jurisdiction over health and institu-  
17 tional services.

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Reported by the Minority of the Committee on Health and  
Institutional Services.

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