

MAINE STATE LEGISLATURE

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(Filing No. H-546)

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CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 910, L.D. 1249, Bill, "An Act To Prohibit the Abuse and Isolation of Older and Dependent Adults"

Amend the bill by striking out the title and substituting the following:

'An Act To Prohibit Infringing on the Rights of Association of Dependent Adults'

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

'Sec. 1. 17-A MRSA §555, sub-§1, ¶¶A and B, as amended by PL 2015, c. 306, §1, are further amended to read:

A. The person recklessly endangers the health, safety or mental welfare of a dependent person. Violation of this paragraph is a Class D crime; ~~or~~

B. The person intentionally or knowingly endangers the health, safety or mental welfare of a dependent person. Violation of this paragraph is a Class C crime;

Sec. 2. 17-A MRSA §555, sub-§1, ¶¶C and D are enacted to read:

C. The person recklessly infringes on a dependent person's rights of association, including but not limited to the right to receive visitors, mail or telephone or electronic communication, for the purpose of establishing or maintaining undue influence over that person. Violation of this paragraph is a Class D crime; or

D. The person intentionally or knowingly infringes on a dependent person's rights of association, including but not limited to the right to receive visitors, mail or telephone or electronic communication, for the purpose of establishing or maintaining undue influence over that person. Violation of this paragraph is a Class C crime.

Sec. 3. 17-A MRSA §555, sub-§2, ¶C is enacted to read:

C. "Undue influence" has the same meaning as in section 109, subsection 4.'

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

COMMITTEE AMENDMENT

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SUMMARY

This amendment replaces the bill and provides a new title. The amendment adds new variants to the crime of endangering the welfare of a dependent person. The new variants are the Class D crime of recklessly infringing on a dependent person's rights of association, including but not limited to the right to receive visitors, mail or telephone or electronic communication, for the purpose of establishing or maintaining undue influence over that person and the Class C crime of intentionally and knowingly infringing on a dependent person's rights of association for the purpose of establishing or maintaining undue influence over that person. The amendment also provides a definition for "undue influence."

FISCAL NOTE REQUIRED
(See attached)



129th MAINE LEGISLATURE

LD 1249

LR 1110(02)

An Act To Prohibit the Abuse and Isolation of Older and Dependent Adults

Fiscal Note for Bill as Amended by Committee Amendment

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

A(H-546)

Fiscal Note

Minor cost increase - General Fund
Minor revenue increase - General Fund
Minor revenue increase - Other Special Revenue Funds

Correctional and Judicial Impact Statements

Changes certain definitions of crimes; minor increases to correctional and judicial costs.

The collection of additional fine revenue will increase General Fund and dedicated revenue by minor amounts.

Fiscal Detail and Notes

The bill adds to the crime of endangering the welfare of a dependent person. It is anticipated that this modification will not increase the number of cases or incarcerated individuals by significant amounts and any increases in costs to the judicial branch, the Department of Corrections, the Office of the Attorney General, and the Maine Commission on Indigent Legal Services can be absorbed within existing resources.