

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TENTH LEGISLATURE
4

5 **Legislative Document**

No. 1847

6
7 S. P. 779 In Senate, January 19, 1982
8 Approved for introduction by the Legislative Council
pursuant to Joint Rule 26. Referred to the Committee on Judiciary
and ordered printed. Sent down for concurrence.

MAY M. ROSS, Secretary of the Senate
Presented by Senator Conley of Cumberland.

9 Cosponsors: Senator O'Leary of Oxford, Representative J.
10 Diamond of Bangor and Representative Nelson of Portland.
11

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-TWO
16

17 AN ACT to Require Mandatory Reporting of
18 Elderly Abuse.
19

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

21 22 MRSA c. 958-A, sub-c. 1-A is enacted to read:

22 SUBCHAPTER 1-A

23 REPORTING OF ABUSE, NEGLECT
24 OR EXPLOITATION

25 §3477. Persons mandated to report suspected abuse, neglect
26 or exploitation

27 1. Reasonable cause to suspect. When, while acting in
28 his professional capacity, a medical or osteopathic physi-
29 cian, resident, intern, medical examiner, physicians' assis-
30 tant, dentist, chiropractor, podiatrist, registered or li-

1 censed practical nurse, Christian Science practitioner,
2 nursing or boarding home administrator, social worker,
3 homemaker, home health aide, medical or social service work-
4 er, psychologist, pharmacist, physical therapist, speech
5 therapist, occupational therapist, mental health profes-
6 sional, law enforcement official or coroner knows or has
7 reasonable cause to suspect that an adult has been or is
8 likely to be abused, neglected or exploited, he shall
9 immediately report or cause a report to be made to the
10 department.

11 A. Whenever a person is required to report in his
12 capacity as a member of the staff of a medical or
13 public or private institution, agency or facility, he
14 shall immediately notify the person in charge of the
15 institution, agency or facility, or his designated
16 agent, who shall then cause a report to be made. The
17 staff person shall also make a report directly to the
18 department.

19 B. Any person may make a report if that person knows
20 or has reasonable cause to suspect that an adult has
21 been or is likely to be abused, neglected or exploited.

22 C. Reports regarding abuse, neglect or exploitation
23 shall be made immediately by telephone to the depart-
24 ment and shall be followed by a written report within
25 48 hours if requested by the department. The reports
26 shall contain the name and address of the involved
27 adult; information regarding the nature and extent of
28 the abuse, neglect or exploitation; the source of the
29 report; the person making the report; his occupation
30 and where he can be contacted. The report may contain
31 any other information which the reporter believes may
32 be helpful.

33 §3478. Mandatory reporting to medical examiner for
34 postmortem investigation

35 A person required to report cases of known or suspected
36 abuse or neglect, who knows or has reasonable cause to sus-
37 pect that an adult has died as a result of abuse or neglect,
38 shall report that fact to the appropriate medical examiner.
39 The medical examiner shall accept the report for investiga-
40 tion and shall report his findings to the police, the appro-
41 priate district attorney, the department and, if the insti-
42 tution making the report is a hospital, the hospital.

43 §3479. Immunity from liability

1 1. Reporting and proceedings. A person participating
2 in good faith in reporting under this subchapter, or in a
3 related adult protection investigation or proceeding is
4 immune from any civil liability that might otherwise result
5 from these actions.

6 2. Presumption of good faith. In a proceeding regard-
7 ing immunity from liability, there shall be a rebuttable
8 presumption of good faith.

9 STATEMENT OF FACT

10 The 1980 Blaine House Conference on Aging and the 1981
11 Interim Conference on Aging passed a resolution calling for
12 the introduction of legislation to enact a mandatory elderly
13 abuse reporting law requiring a series of professionals,
14 while acting in their professional capacity, to report sus-
15 pected abuse, neglect or exploitation of the elderly.

16 We know that both nationally and in Maine victims of
17 abuse, neglect or exploitation do not report the abuse for a
18 number of reasons, which supports the need for a mandatory
19 reporting law. Such a law exists in Maine for victims of
20 child abuse and neglect but does not exist for the elderly.

21 In a survey conducted by the Maine Committee on Aging
22 in the fall of 1980, it was found that nearly 70% of the
23 abused elders identified refused assistance, would not admit
24 abuse or refused to press charges against the abuser. Of
25 the professionals surveyed, 36% had knowledge of at least
26 one case of abuse of the elderly. Based on the survey, we
27 know that elderly abuse exists in Maine.

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