

# MAINE STATE LEGISLATURE

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L.D. 1871

(Filing No. H-462)

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
111TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1426,  
L.D. 1871, Bill, "AN ACT to Amend the Adult Protec-  
tive Services Act."

Amend the bill by striking out all of sections 1  
and 2 and inserting in their place the following:

'Sec. 1. 22 MRSA §3477, sub-§1, as enacted by PL  
1981, c. 705, Pt. E, §2, is amended to read:

1. Reasonable cause to suspect. When, while  
acting in his professional capacity, an allopathic or  
osteopathic physician, intern, medical examiner,  
physician's assistant, dentist, chiropractor, podia-  
trist, registered or licensed practical nurse, Chris-  
tian Science practitioner, social worker, psycholo-  
gist, pharmacist, physical therapist, speech thera-  
pist, occupational therapist, mental health profes-  
sional, law enforcement official, coroner, emergency  
room personnel, ambulance attendant or emergency med-  
ical technician suspects that an ~~incapacitated~~ adult  
has been abused, neglected or exploited, he and has  
reasonable cause to suspect that the adult is  
incapacitated, then the professional shall immediately  
report or cause a report to be made to the depart-  
ment.

Whenever a person is required to report in his capac-  
ity as a member of the staff of a medical, public or  
private institution, agency or facility, he shall im-  
mediately notify the person in charge of the institu-  
tion, agency or facility, or his designated agent,  
who shall then cause a report to be made. The staff  
person shall also make a report directly to the de-  
partment.

Sec. 2. 22 MRSA §3479, as enacted by PL 1981, c.

COMMITTEE AMENDMENT "A" to H.P. 1426, L.D. 1871

1 705, Pt. E, §2, is amended to read:

2 §3479. Optional reporting

3 Any person may make a report if that person knows  
4 or has reasonable cause to suspect that an ~~incapaci-~~  
5 ~~tated or dependent adult~~ has been abused, neglected  
6 ~~or exploited~~; abuse, neglect or exploitation of:

7 1. Dependent. A dependent adult;

8 2. Incapacitated. An incapacitated adult; or

9 3. Suspected incapacity. An adult where the  
10 person has reasonable cause to suspect  
11 incapacitation.'

12 STATEMENT OF FACT

13 This amendment removes the phrase "allegedly in-  
14 capacitated," and instead uses the phrase "reasonable  
15 cause to suspect that the adult is incapacitated."

16 The "reasonable cause" standard focuses on the  
17 professional judgment of the reporter, as opposed to  
18 the allegation or assertion of incapacity. This lan-  
19 guage is similar to that used in the Child and Family  
20 Services and Child Protection Act.

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Reported by Health and Institutional Services  
Committee

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