

# MAINE STATE LEGISLATURE

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1 (EMERGENCY)

2 SECOND REGULAR SESSION  
3

4 ONE HUNDRED AND ELEVENTH LEGISLATURE  
5

6 Legislative Document

No. 1871

7  
8 H.P. 1426

House of Representatives, January 10, 1984

9 Submitted by the Department of Human Services pursuant to Joint Rule  
10 24.

11 Reference to the Committee on Health and Institutional Services is  
suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Richard of Madison.

12 Cosponsors: Senator Bustin of Kennebec, Representative Melendy of  
Rockland and Representative Pines of Limestone.

13 STATE OF MAINE  
14

15 IN THE YEAR OF OUR LORD  
16 NINETEEN HUNDRED AND EIGHTY-FOUR  
17

18 AN ACT to Amend the Adult Protective  
19 Services Act.  
20

21 **Emergency preamble.** Whereas, Acts of the Legis-  
22 lature do not become effective until 90 days after  
23 adjournment unless enacted as emergencies; and

24 Whereas, there is an immediate risk of serious  
25 physical or mental harm to many of Maine's mentally  
26 or physically disabled adults and elderly as the re-  
27 sult of abuse, neglect or exploitation; and

28 Whereas, most of the adults and elderly persons  
29 have not yet been adjudicated to be incapacitated and  
30 the mandatory reporting provisions do not apply as  
31 currently enacted; and

32 Whereas, the best interests of Maine's adults can  
33 be protected by adding the words "allegedly incapaci-  
34 tated" to the statute; and

1           Whereas, in the judgment of the Legislature,  
2 these facts create an emergency within the meaning of  
3 the Constitution of Maine and require the following  
4 legislation as immediately necessary for the preser-  
5 vation of the public peace, health and safety; now,  
6 therefore,

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

9           Sec. 1. 22 MRSA §3477, sub-§1, as enacted by PL  
10 1981, c. 705, Pt. E, §2, is amended to read:

11           1. Reasonable cause to suspect. When, while  
12 acting in his professional capacity, an allopathic or  
13 osteopathic physician, intern, medical examiner,  
14 physician's assistant, dentist, chiropractor, podia-  
15 trist, registered or licensed practical nurse, Chris-  
16 tian Science practitioner, social worker, psycholo-  
17 gist, pharmacist, physical therapist, speech thera-  
18 pist, occupational therapist, mental health profes-  
19 sional, law enforcement official, coroner, emergency  
20 room personnel, ambulance attendant or emergency med-  
21 ical technician suspects that an incapacitated adult  
22 or allegedly incapacitated adult has been abused, ne-  
23 glected or exploited, he shall immediately report or  
24 cause a report to be made to the department.

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

33           Sec. 2. 22 MRSA §3479, as enacted by PL 1981, c.  
34 705, Pt. E, §2, is amended to read:

35 §3479. Optional reporting

36           Any person may make a report if that person knows  
37 or has reasonable cause to suspect that an incapaci-  
38 tated, allegedly incapacitated or dependent adult has  
39 been abused, neglected or exploited.

