

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 575

7 S.P. 217

In Senate, February 14, 1985

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

10 Reference to the Committee on Human Resources suggested and ordered
11 printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Berube of Androscoggin.

Cosponsored by Representative Pines of Limestone, Representative
12 Melendy of Rockland and Senator Gill of Cumberland.

13 STATE OF MAINE

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

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

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

22 Sec. 1. 22 MRSA §3477, sub-§1, as amended by PL
23 1983, c. 616, §1, is further amended to read:

24 1. Reasonable cause to suspect. When, while
25 acting in his professional capacity, an allopathic or
26 osteopathic physician, intern, medical examiner,
27 physician's assistant, dentist, chiropractor, podia-
28 trist, registered or licensed practical nurse, Chris-
29 tian Science practitioner, social worker, psycholo-
30 gist, pharmacist, physical therapist, speech thera-
31 pist, occupational therapist, mental health profes-
32 sional, law enforcement official, coroner, emergency
33 room personnel, homemaker, home health aide, medical
34 or social service caseworker, court visitor, ambu-
35 lance attendant or emergency medical technician sus-
36 pects that an adult has been abused, neglected or

1 exploited, and has reasonable cause to suspect that
2 the adult is incapacitated, then the professional
3 shall immediately report or cause a report to be made
4 to the department.

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

13 Sec. 2. 22 MRSA §3480, sub-§3 is enacted to
14 read:

15 3. Consent to interview refused. When a care-
16 taker of an allegedly incapacitated adult refuses to
17 allow the department to interview the adult and the
18 department reasonably determines that the adult is at
19 risk of being abused, neglected or exploited, the de-
20 partment may petition the Probate Court for authority
21 to interview the allegedly incapacitated adult.

22 A. The petition shall be sworn to and shall in-
23 clude at least the following:

24 (1) Name and residence of the adult;

25 (2) Relationship of caretaker to the adult;

26 (3) Name and address of known relatives and
27 whether these relatives have been contacted;

28 (4) A summary statement of the facts which
29 the petitioner believes constitutes the ba-
30 sis for the belief that the adult is at risk
31 of being abused, neglected or exploited; and

32 (5) A statement that the caretaker has re-
33 fused access to the adult and that no other
34 access to the adult is reasonably available.

35 B. The department shall make all reasonable ef-
36 forts to notify the caretaker of the place and
37 time the department intends to bring the petition

1 adults and to visit the persons seeking appointments
2 or dismissals of guardianship. As visitors, they may
3 find situations where they suspect abuse, neglect or
4 exploitation, but are not required to report. This
5 bill corrects this situation.

6 Upon receipt of a report, adult protective ser-
7 vices duty is to determine the validity of the report
8 and to determine the need for protective services.
9 Situations of refusal by a caretaker to allow access
10 to the adult prevent these determinations and may
11 leave adults in danger. This bill allows for court
12 authorized access to the adult for purposes of deter-
13 mining the validity of the report and the need for
14 protective intervention.

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