

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE  
4

5 Legislative Document

No. 854

6  
7 H.P. 584

House of Representatives, February 28, 1985

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

10 On Motion of Representative Kane of S. Portland, referred to the  
Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Carroll of Gray.

11 Cosponsored by Senator Gill of Cumberland, Representative Brodeur of  
Auburn and Representative Taylor of Camden.

12 STATE OF MAINE  
13

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

17 AN ACT to Amend the Disclosure of Licensing  
18 Records Regarding Adult and Child Care  
19 Programs to Clarify Procedures  
20 Relating to Vital Statistic Records  
21 and Clarify Officials Authorized to  
22 Act as Public Guardians or Conservators  
23 under the Probate Code.  
24

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

27 Sec. 1. 18-A MRSA §5-606, sub-§(c), as amended  
28 by PL 1981, c. 493, §2, is further amended to read:

29 (c) Persons duly delegated by the officials au-  
30 thorized to act under subsections (a) and (b) may in-  
31 clude a staff of competent social workers, or compe-  
32 tent social workers assigned to the public guardian  
33 or conservator by the Department of Mental Health and  
34 Mental Retardation or the Department of Human  
35 Services. In the event that the delegation is to an  
36 individual, such individual shall be qualified there-

1 for by reason of education or experience, or both, in  
2 administering to the needs of the individual or indi-  
3 viduals over whom he is to exercise administrative or  
4 supervisory authority under the public guardian.

5 Sec. 2. 22 MRSA §2705, sub-§1 is amended to  
6 read:

7 1. Amended certificate. A certificate which has  
8 been altered or amended after its filing shall be  
9 marked "amended," and the date on which the certifi-  
10 cate or record was amended and a summary description  
11 of the evidence submitted in support of the correc-  
12 tion shall be endorsed on the record or permanently  
13 attached to it. Any certified copies of certificates  
14 or records amended under this section shall be marked  
15 "amended." Notwithstanding this subsection, adminis-  
16 trative correction of clerical errors within one year  
17 after the date of filing shall not cause the certifi-  
18 cate or record to be considered altered or amended.

19 Sec. 3. 22 MRSA §7701, sub-§3 is enacted to  
20 read:

21 3. Abuse or neglect. For purposes of section  
22 7703, "abuse or neglect," in the case of children re-  
23 fers to the definition found in section 4002, subsec-  
24 tion 1. In the case of adults, "abuse" and "neglect"  
25 refers to the definitions found in section 3472, sub-  
26 sections 1 and 11, and also incorporates exploita-  
27 tion, as defined in section 3472, subsection 9.

28 STATEMENT OF FACT

29 In section 1 officials authorized to act as pub-  
30 lic guardian or public conservator are the Commis-  
31 sioner of Mental Health and Mental Retardation and  
32 the Commissioner of Human Services. Persons duly  
33 delegated by the officials may include social workers  
34 from either department. This bill adds the Depart-  
35 ment of Human Services to correct the previous omis-  
36 sion.

1           Section 2 clarifies and defines the circumstance  
2 under which vital statistics records can be amended  
3 or completed, designation of amended records and pro-  
4 cedures for documenting amendments or supplements.  
5 This bill modifies the Maine Revised Statutes Title  
6 22, section 2705, subsection 1.

7           In section 3 the addition of a definitional sec-  
8 tion to this bill will negate any confusion when  
9 cross referencing this law with Child and Family Ser-  
10 vices and Child Protection Act, the Revised Statutes,  
11 Title 22, section 4001 et seq. and the Adult Protec-  
12 tive Services Act, Title 22, section 3470 et seq.

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