

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 1203

S.P. 435

In Senate, April 4, 1995

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**An Act to Rename the Crime of Endangering the Welfare of an  
Incompetent Person.**

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Submitted by the Department of the Attorney General pursuant to Joint Rule 24.  
Reference to the Committee on Criminal Justice suggested and ordered printed.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS  
Secretary of the Senate

Presented by Senator BENOIT of Franklin.

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

2  
3 Sec. 1. 17-A MRSA §555, as enacted by PL 1975, C. 499, §1, is  
4 amended to read:

6 §555. Endangering welfare of a dependent person

8 1. A person is guilty of endangering the welfare of an  
9 ~~incompetent~~ a dependent person if he that person knowingly  
10 endangers the health, safety or mental welfare of a person who is  
11 unable to ~~care-for-himself~~ perform self-care because of advanced  
12 age, physical or mental disease, disorder or defect.

14 2. As used in this section "endangers" includes a failure  
15 to act only when the defendant had a legal duty to protect the  
16 health, safety or mental welfare of the ~~incompetent~~ dependent  
17 person.

18 3. Endangering the welfare of an ~~incompetent~~ a dependent  
19 person is a Class D crime.

22 Sec. 2. 17-A MRSA §557, as enacted by PL 1975, c. 499, §1, is  
23 amended to read:

24 §557. Other defenses

26 For the purposes of this chapter, a person who in good faith  
27 provides treatment for a child or ~~incompetent~~ dependent person by  
28 spiritual means through prayer alone shall may not for that  
29 reason alone be deemed to have knowingly endangered the welfare  
30 of such that child or ~~incompetent~~ dependent person.

34 STATEMENT OF FACT

36 This bill replaces the word "incompetent" with the word  
37 "dependent" to more accurately describe a person who is unable to  
38 perform self-care because of advanced age, physical or mental  
disease, disorder or defect.