

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 277

S.P. 71

In Senate, January 25, 2001

**An Act to Amend the Standards Regarding the Endangerment of the
Welfare of a Dependent Person.**

Submitted by the Department of Human Services pursuant to Joint Rule 204.
Reference to the Committee on Criminal Justice suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator McALEVEY of York.
Cosponsored by Representative POVICH of Ellsworth and
Representatives: BRANNIGAN of Portland, ETNIER of Harpswell, MITCHELL of
Vassalboro, NASS of Acton, O'BRIEN of Augusta, QUINT of Portland, SNOWE-MELLO of
Poland, WINSOR of Norway.

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

Sec. 1. 17-A MRSA §555, sub-§§1 and 2, as amended by PL 1995, c. 110, §1, are further amended to read:

1. A person is guilty of endangering the welfare of a dependent person if that person ~~knowingly~~ recklessly endangers the health, safety or mental welfare of a person who is unable to perform self-care because of advanced age, physical or mental disease, disorder or defect.

2. As used in this section "endangers" includes a failure to act only when the defendant had a legal duty to protect the health, safety or mental welfare of the dependent person. For purposes of this section, a legal duty may be inferred if the defendant has voluntarily assumed responsibility for the care of the dependent person as would lead a reasonable person to believe that failure to provide such care would adversely affect the health, safety or mental welfare of the dependent person.

SUMMARY

This bill amends the law governing when a person is guilty of endangering the welfare of a dependent person by changing the standard to reckless endangerment rather than intentional endangerment. This change would make the standard applied to culpability for endangerment of the welfare of a dependent person parallel to that applied in the law regarding child endangerment.