

# MAINE STATE LEGISLATURE

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H.O.S.

L.D. 1152

DATE: 5/10/15

(Filing No. H-324)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 795, L.D. 1152, Bill, "An Act To Protect Certain Elderly or Incompetent Dependents"

Amend the bill by striking out the title and substituting the following:

'An Act To Protect Incompetent Dependents'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 17-A MRSA §555, as amended by PL 2001, c. 111, §1, is repealed and the following enacted in its place:

§555. Endangering welfare of dependent person

1. A person is guilty of endangering the welfare of a dependent person if:

A. The person recklessly endangers the health, safety or mental welfare of a dependent person who is unable to perform self-care because of advanced age or physical or mental disease, disorder or defect. Violation of this paragraph is a Class D crime; or

B. The person intentionally or knowingly endangers the health, safety or mental welfare of a dependent person who is unable to perform self-care because of advanced age or physical or mental disease, disorder or defect. Violation of this paragraph is a Class C crime.

COMMITTEE AMENDMENT

10/18

COMMITTEE AMENDMENT "A" to H.P. 795, L.D. 1152

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2. As used in this section, "endangers" includes a failure to act only when the defendant has 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 assumed responsibility for the care of the dependent person.'

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**SUMMARY**

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This amendment replaces the bill and repeals and replaces the Class D crime of endangering the welfare of a dependent person with 2 crimes based on the defendant's culpable state of mind. A person who intentionally or knowingly endangers the welfare of a dependent person commits a Class C crime, and a person who recklessly endangers the welfare of a dependent person commits a Class D crime.

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**FISCAL NOTE REQUIRED  
(See attached)**

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# 122nd MAINE LEGISLATURE

LD 1152

LR 0558(02)

**An Act To Protect Certain Elderly or Incompetent Dependents**

**Fiscal Note for Bill as Amended by Committee Amendment "A"**

**Committee: Criminal Justice and Public Safety**

**Fiscal Note Required: Yes**

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## Fiscal Note

Current biennium cost increase - General Fund

Minor revenue increase - General Fund

### Correctional and Judicial Impact Statements

Establishes new Class C & D crimes; increases correctional and judicial costs.

The collection of additional fines may also increase General Fund revenue by minor amounts