

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 1152

H.P. 795

House of Representatives, March 8, 2005

An Act To Protect Certain Elderly or Incompetent Dependents

Submitted by the Department of the Attorney General pursuant to Joint Rule 204.
Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BLANCHETTE of Bangor.

2
3 **Be it enacted by the People of the State of Maine as follows:**

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5 repealed and the following enacted in its place:

6 **§555. Endangering welfare of incompetent person**

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

9 A. Intentionally, knowingly or recklessly endangers the
10 health, safety or mental welfare of a person who is unable
11 to perform self-care because of advanced age or physical or
12 mental disease, disorder or defect;

13 B. Intentionally, knowingly or recklessly endangers the
14 health, safety or mental welfare of a person who is unable
15 to perform self-care because of advanced age or physical or
16 mental disease, disorder or defect and in fact causes
17 serious bodily injury; or

18 C. Intentionally, knowingly or recklessly endangers the
19 health, safety or mental welfare of a person who is unable
20 to perform self-care because of advanced age or physical or
21 mental disease, disorder or defect and in fact causes death.

22 2. As used in this section, "endangers" includes a failure
23 to act only when the defendant had a legal duty to protect the
24 health, safety or mental welfare of the dependent person. For
25 purposes of this section, a legal duty may be inferred if the
26 defendant has assumed responsibility for the care of the
27 dependent person.

28 3. Endangering the welfare of a dependent person is a Class
29 D crime except that a violation of subsection 1, paragraph B is a
30 Class C crime and violation of subsection 1, paragraph C is a
31 Class B crime.

32
33
34
35
36
37
38
39 **SUMMARY**

40
41
42 This bill increases the class of crime for endangering the
43 welfare of an incompetent dependent person to a Class C crime if
44 the endangerment results in serious bodily injury and to a Class
B crime if the endangerment results in death.