

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 1374

H.P. 1013

House of Representatives, March 31, 2011

**An Act To Protect Seniors and Incapacitated or Dependent Adults  
from Abuse**

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Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative NASS of Acton.  
Cosponsored by President RAYE of Washington and  
Representatives: BENNETT of Kennebunk, CHASE of Wells, FOSTER of Augusta, PARKER  
of Veazie, WATERHOUSE of Bridgton, Senator: FARNHAM of Penobscot.

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

2 **Sec. 1. 19-A MRSA §4005, sub-§1**, as amended by PL 2007, c. 340, §4, is  
3 further amended to read:

4 **1. Filing.** An adult who has been abused by a family or household member or a  
5 dating partner may seek relief by filing a complaint alleging that abuse.

6 When a minor child in the care or custody of a family or household member or a dating  
7 partner has been abused by a family or household member or a dating partner, a person  
8 responsible for the child, as defined in Title 22, section 4002, subsection 9, or a  
9 representative of the department may seek relief by filing a petition alleging that abuse.

10 An adult who has been a victim of conduct defined as stalking in Title 17-A, section  
11 210-A or described as sexual assault in Title 17-A, chapter 11, whether or not the conduct  
12 was perpetrated by a family or household member or dating partner, may seek relief by  
13 filing a complaint alleging that conduct without regard to whether criminal prosecution  
14 has occurred. When a minor has been a victim of such conduct, the minor's parent, other  
15 person responsible for the child or a representative of the department may seek relief by  
16 filing a petition alleging that conduct.

17 When an adult who is 60 years of age or older or a dependent adult, as defined in Title  
18 22, section 3472, subsection 6, or an incapacitated adult, as defined in Title 22, section  
19 3472, subsection 10, has been the victim of abuse as defined in section 4002, subsection 1  
20 or Title 22, section 3472, subsection 1 by an extended family member or an unpaid care  
21 provider, the adult victim, the adult victim's legal guardian or a representative of the  
22 department may seek relief by filing a complaint alleging the abusive conduct. For the  
23 purposes of this subsection, "extended family member" includes, but is not limited to: a  
24 person who is related to the victim by blood, marriage or adoption, whether or not the  
25 person resides or has ever resided with the victim. "Unpaid care provider" includes, but  
26 is not limited to, a caretaker who voluntarily provides full, intermittent or occasional  
27 personal care to the adult victim in the victim's home similar to the way a family member  
28 would provide personal care.

29 **SUMMARY**

30 This bill allows an adult who is 60 years of age or older or an incapacitated or  
31 dependent adult to seek a protection from abuse order if that adult is a victim of abuse by  
32 an extended family member or an unpaid care provider. Currently, an adult can only  
33 secure relief under the protection from abuse laws if the abuse is perpetrated by a family  
34 or household member or a dating partner and that definition does not include spouses of  
35 adult children, grandchildren, other relatives and caregivers.