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**An Act To Require the Department of Health and Human Services  
To Disclose Information to the Personal Representative of  
the Estate of an Incapacitated or Dependent Adult Who Dies  
While under Public Guardianship or Public Conservatorship**

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

**Sec. 1. 22 MRSA §3474, sub-§3, ¶C**, as corrected by RR 1991, c. 2, §80, is amended to read:

C. A grand jury on its determination that access to those records is necessary in the conduct of its official business; ~~and~~

**Sec. 2. 22 MRSA §3474, sub-§3, ¶D**, as corrected by RR 1991, c. 2, §81, is amended to read:

D. An advocacy agency conducting an investigation under chapter 961, United States Public Law 88-164, Title I, Part C or United States Public Law 99-319, regarding a developmentally disabled person or mentally ill person who is or who, within the last 90 days, was residing in a facility rendering care or treatment, when a complaint has been received by the agency or there is probable cause to believe that that individual has been subject to abuse or neglect, and that person does not have a legal guardian or the person is under public guardianship. The determination of which information and records are relevant to the investigation is made by agreement between the department and the agency; ~~and~~

**Sec. 3. 22 MRSA §3474, sub-§3, ¶E** is enacted to read:

E. The personal representative of the estate of an incapacitated or dependent adult who dies while under public guardianship or public conservatorship.

**SUMMARY**

This bill requires the Department of Health and Human Services to disclose information in its records under the Adult Protective Services Act to personal representatives of the estates of incapacitated or dependent adults who die while under public guardianship or public conservatorship.