



128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 135

S.P. 54

In Senate, January 19, 2017

**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**

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator GRATWICK of Penobscot.
Cosponsored by Representative MALABY of Hancock and
Senators: DILL of Penobscot, DION of Cumberland, DOW of Lincoln, JACKSON of
Aroostook, MIRAMANT of Knox, WOODSOME of York, Representative: GATTINE of
Westbrook.

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

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

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

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

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

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

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

20 **SUMMARY**

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