Abuse Against the Elderly and Vulnerable Adults

2010

POTENTIAL LEGAL REMEDIES
Introduction

Each year, nationwide, an estimated 5 million adults 60 years and older are victims of abuse, neglect and financial exploitation including domestic violence, sexual assault and stalking. In Maine it is estimated that 1 in 14 people 60 years of age and older are victims of elder abuse. According to the U.S. Census, Maine leads the nation as the ‘oldest / grayest state’ in the nation.

The most common perpetrators of elder abuse are family members. Victims are often unable to report the crime themselves because they are too afraid to tell someone. This is just one of many reasons elder abuse cases go unreported or are uncovered too late. Compounding the lack of reporting is that older adults interface with several service gateways and, unfortunately, professionals themselves don’t always recognize the signs of elder abuse.

Maine law makes it a criminal act to endanger the welfare of a dependent person. There are no federal or Maine laws that specifically address elder abuse as a distinct crime against an adult, who is neither dependent nor incapacitated. Maine adult protection law defines elder abuse and exploitation as it relates to dependent or incapacitated adults. The distinction between capacitated and incapacitated or dependent means that both a criminal justice response and some social services are challenged to provide support to an older victim who does not fit under any of these categories. This is just one example of how systems create barriers for older people from receiving appropriate services.

Because there exists a complex and intricate web of systems that serve older adults, consistent and coordinated responses are imperative to improving the identification of and responses to elder abuse cases. The Elder Justice Partners was formed in 2006 to assist systems to respond, rather than react, to elder abuse cases. Currently, EJP is composed of 17 state governmental and non-profit organizations. The mission is two fold: improve responses to incidents of elder abuse through professional trainings; and actively engage systems in a review of policies and protocols that serve older victims.

Since 2007, EJP has trained hundreds of professionals in the criminal justice, victim and social service systems; conducted statewide eval-
utations related to the effectiveness of our trainings and the current state of older victim services; created this legal publication in both print and digital formats; and partners have not only identified tangible gaps in systems, they have also helped bridge gaps that enhance victim safety and offender accountability.

This Legal Guide is part of our ongoing contribution to education and systems change. Our hope is that the potential legal remedies and resources available in this guide will assist professionals to think more broadly about elder abuse issues.

The guide is divided into three sections: 1) Statutory Definitions of Common Topics; 2) Potential Criminal and Civil Remedies; and 3) Referral and Resources to Aid Investigations and Assist Elder and Vulnerable Adults.

The facts of each case should be used to determine what remedies may be offered to improve victim safety and offender accountability. In most cases, multiple forms of abuse will occur and various forms of remedies are available and may be fully utilized.

Under the criminal statutes cited, law enforcement officers may arrest abusers, and prosecutors may charge them. Civil actions may be brought by an individual, a private attorney, Adult Protective Services and/or the state Attorney General’s office to provide some remedy for the victim. Victims living in residential or institutional facilities may have additional remedies available to them.

The information in this guide does not constitute legal advice.

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2 Legal Services for the Elderly (2001). Elder abuse still a “dirty little secret”.

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Acknowledgements

The Elder Justice Partners modeled this guide on publications previously developed by the Wisconsin Coalition Against Domestic Violence/ National Clearinghouse on Abuse in Later Life, Marin Elder Abuse Prevention Project, The Erie County Elder Abuse Training Project, and most especially by the work of Rebecca Henry, Esq, formerly of Legal Services for the Elderly in Maine.

The Elder Justice Partners are greatly appreciative to the above mentioned entities for providing their expertise and generosity in granting a general permission to model existing guides.

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Finally, this guide is dedicated to the victims and family members of elder abuse and to the hundreds of individuals who have served and continue to serve Maine’s older adult population. Their tireless efforts to improve the state of elder abuse in Maine is an inspiration.

Sharon R. Herrick, MSW
Elder Justice Partners
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Agencies are encouraged to reprint and distribute all material found in this manual.
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ELDER ABUSE
(22 M.R.S.A. § 3472)

Elder Abuse is any of the following types of abuse, neglect or exploitation against a person age 60 or older:

- Domestic Violence
- Physical Abuse including Confinement and Stalking
- Emotional Abuse
- Sexual Abuse
- Financial Exploitation
- Neglect and Self Neglect

Under Maine law, elder abuse of a competent adult is not a unique crime or civil cause of action; that is, the age of a victim is not relevant to any legal action taken on behalf of that victim. Therefore, usual abuse statutes and causes of action apply.

However, Maine law does define elder abuse and exploitation as it relates to dependent or incapacitated adults. These definitions appear in the Adult Protective Services Act, and therefore are typically available only to Adult Protective Service professionals (i.e., they do not define a crime or independent civil cause of action).

The relevant definitions are as follows:
### GLOSSARY OF RELEVANT TERMS (22 M.R.S.A. § 3472)

<table>
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<tr>
<th>1. Abuse</th>
<th>“Abuse” means the infliction of injury, unreasonable confinement, intimidation or cruel punishment that causes or is likely to cause physical harm or pain or mental anguish; sexual abuse or exploitation; or the intentional, knowing or reckless deprivation of essential needs. “Abuse” includes acts and omissions.</th>
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<td>3. Caretaker</td>
<td>“Caretaker” means any individual or institution who has or assumes the responsibility for the care of an adult.</td>
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<td>6. Dependent adult</td>
<td>“Dependent adult” means an adult who has a physical or mental condition that substantially impairs the adult’s ability to adequately provide for that adult’s daily needs. “Dependent adult” includes, but is not limited to, any of the following:</td>
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<td>9. Exploitation</td>
<td>“Exploitation” means the illegal or improper use of an incapacitated or dependent adult or that adult’s resources for another’s profit or advantage.</td>
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<td>10. Incapacitated adult</td>
<td>“Incapacitated adult” means any adult who is impaired by reason of mental illness, mental deficiency, physical illness or disability to the extent that that individual lacks sufficient understanding or capacity to make or communicate responsible decisions concerning that individual’s person, or to the extent the adult cannot effectively manage or apply that individual’s estate to necessary ends.</td>
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<tr>
<td>11. Neglect</td>
<td>“Neglect” means a threat to an adult’s health or welfare by physical or mental injury or impairment, deprivation of essential needs or lack of protection from these.</td>
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<tr>
<td>12. Protective services</td>
<td>“Protective services” means services that separate incapacitated or dependent adults from danger. Protective services include, but are not limited to, social, medical and psychiatric services necessary to preserve the incapacitated or dependent adult’s rights and resources and to maintain the incapacitated or dependent adult’s physical and mental well-being. Protective services may include seeking guardianship or a protective order under Title 18-A, Article 5.</td>
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<td>13. Serious harm</td>
<td>“Serious harm” means:</td>
</tr>
<tr>
<td></td>
<td>A. Serious physical injury or impairment;</td>
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<td>B. Serious mental injury or impairment that now or in the future is likely to be evidenced by serious mental, behavioral or personality disorder, including, but not limited to, severe anxiety, depression or withdrawal, untoward aggressive behavior or similar serious dysfunctional behavior;</td>
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<td>C. Sexual abuse or exploitation; or</td>
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<td></td>
<td>D. Serious waste or dissipation of resources.</td>
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<tr>
<td>15. Sexual abuse or exploitation</td>
<td>“Sexual abuse or sexual exploitation” means contact or interaction of a sexual nature involving an incapacitated or dependent adult without that adult’s informed consent.</td>
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ENDANGERING WELFARE OF DEPENDENT PERSON
(17-A M.R.S.A. § 555)

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 [2005, c. 431, §1 (NEW)].

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. [2005, c. 431, §1 (NEW).] [ 2005, c. 431, §1 (RPR).]

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.

MANDATORY REPORTING
(22 M.R.S.A. §§ 3475-3485)

§ 3475 Penalty for violations
A person who knowingly violates a provision of this chapter commits a civil violation for which a forfeiture of not more than $500 may be adjudged. Any licensed, registered, accredited or certified professional who has been adjudged to have violated a provision of this chapter must, in addition to any financial penalty, be reported by the court or the department to the appropriate professional licensing organization, registration board, accrediting unit or facility.

§ 3476 Spiritual treatment
1. Treatment not considered abuse, neglect or exploitation. An incapacitated or dependent adult shall not be considered to be abused, neglected or exploited solely because treatment is by spiritual means by an accredited practitioner of a recognized religious organization.

2. Treatment to be considered if requested. When medical treatment is authorized, under this chapter, treatment by spiritual means by an accredited practitioner of a recognized religious organization may also be considered if requested by the incapacitated or disabled adult or his caretaker.

§ 3477 Persons mandated to report suspected abuse, neglect or exploitation
1. Report required. The following persons immediately shall report to the department when the person has reasonable cause to suspect that an incapacitated or dependent adult has been or is at substantial risk of abuse, neglect or exploitation:

A. While acting in a professional capacity:

(1) An allopathic or osteopathic physician;
(2) A medical intern;
(3) A medical examiner;
(4) A physician’s assistant;
(5) A dentist;
(6) A chiropractor;
(7) A podiatrist;
(8) A registered or licensed practical nurse;
(9) A certified nursing assistant;
(10) A social worker;
(11) A psychologist;
(12) A pharmacist;
(13) A physical therapist;
(14) A speech therapist;
15. An occupational therapist;
16. A mental health professional;
17. A law enforcement official;
18. Emergency room personnel;
19. An ambulance attendant;
20. An emergency medical technician;
21. Unlicensed assistive personnel;
22. A humane agent employed by the Department of Agriculture, Food and Rural Resources;
23. A clergy member acquiring the information as a result of clerical professional work except for information received during confidential communications;
24. A sexual assault counselor; or
25. A family or domestic violence victim advocate;

B. Any person who has assumed full, intermittent or occasional responsibility for the care or custody of the incapacitated or dependent adult, regardless of whether the person receives compensation; or

C. Any person affiliated with a church or religious institution who serves in an administrative capacity or has otherwise assumed a position of trust or responsibility to the members of that church or religious institution, while acting in that capacity, regardless of whether the person receives compensation.

The duty to report under this section applies to individuals who must report directly to the department. A supervisor or administrator of a person making a report under this section may not impede or inhibit the reporting, and a person making a report may not be subject to any sanction for making a report. Internal procedures to facilitate, ensure confidentiality of and apprise supervisors and administrators of reports may be established as long as those procedures are not inconsistent with this chapter.

1-A. Permitted reporters. An animal control officer, as defined in Title 7, section 3907, subsection 4, may report to the department when that person has reasonable cause to suspect that an incapacitated or dependent adult has been or is at substantial risk of abuse, neglect or exploitation.

2. Reports. Reports regarding abuse, neglect or exploitation must be made immediately by telephone to the department and shall be followed by a written report within 48 hours if requested by the department. The reports must contain the name and address of the involved adult; information regarding the nature and extent of the abuse, neglect or exploitation; the source of the report; the person making the report; his occupation; and where he can be contacted. The report may contain any other information which the reporter believes may be helpful.

3. Confidentiality in case of treatment of individual suspected of causing abuse, neglect or exploitation. This section does not require any person acting in that person’s professional capacity to report when all of the following requirements are met:

A. The factual basis for knowing or suspecting abuse, neglect or exploitation of an adult covered under this subchapter derives from the professional’s treatment of the individual suspected of causing the abuse, neglect or exploitation;

B. The treatment was sought by the individual for a problem relating to the abuse, neglect or exploitation; and

C. In the opinion of the person required to report, the abused, neglected or exploited adult’s life or health is not immediately threatened.

4. Confidentiality in case of treatment of individual suspected of being abused, neglected or exploited. This section does not require any person acting in that person’s professional capacity to report when all of the following requirements are met:

A. The factual basis for knowing or suspecting abuse, neglect or exploitation of an adult covered under this subchapter derives from the professional’s treatment of the individual suspected of being abused, neglected or exploited;

B. The treatment was sought by the individual for a problem relating to the abuse, neglect or exploitation; and
C. In the opinion of the person required to report, the individual is not incapacitated and the individual’s life or health is not immediately threatened.

§ 3478 Mandatory reporting to medical examiner for post-mortem investigation
A person required to report cases of known or suspected abuse or neglect, who knows or has reasonable cause to suspect that an adult has died as a result of abuse or neglect, shall report that fact to the appropriate authority as provided in section 3026. An adult shall not be considered to be abused or neglected solely because he was provided with treatment by spiritual means by an accredited practitioner of a recognized religious organization.

§ 3479 Optional reporting
Any person may make a report to the department when that person has reasonable cause to suspect an incapacitated or dependent adult has been or is at substantial risk of abuse, neglect or exploitation.

§ 3479-A Immunity from liability
1. Reporting and proceedings. A person participating in good faith in reporting under this subchapter, or in a related adult protection investigation or proceeding, is immune from any civil liability that might otherwise arise under state or local laws or rules regarding confidentiality of information.

2. Presumption of good faith. In a proceeding regarding immunity from liability, there shall be a rebuttable presumption of good faith.

§ 3485 Reporting abuse
Upon finding evidence indicating that a person has abused, neglected or exploited an incapacitated or dependent adult, resulting in serious harm, the department shall notify the district attorney or law enforcement agency.

LICENSING
(Title 32 of the Maine Revised Statutes Annotated)
All of the following professions are regulated by professional boards with the authority to discipline practitioners for incompetence or unprofessional conduct. Section numbers refer to disciplinary chapters of Title 32, Professions and Occupations.

To file a complaint against one of these licensed professionals, go to the website of the Department of Professional and Financial Regulation, Office of Licensing and Registration at www.state.me.us/pfr/olr/.

To file a complaint against an attorney, go to the website of the Maine Board of Overseers of the Bar at www.mebaroverseers.org.

§ 64-B Nursing Home Administrators
§ 503-B Chiropractors
§ 1077 Dentists and Dental Hygienists
§ 2105-A Nurses and Nursing
§ 2286 Occupational Therapists
§ 2431-A Optometrists
§ 2591-A Osteopathic Physicians
§ 3177-A Physical Therapists
§ 3282-A Medicine
§ 3656 Podiatrists
§ 3837-A Psychologists
§ 6119 Money Transmitters and Check Cashers
§ 6217-B Alcohol and Drug Counselors
§ 7059-A Social Workers
§ 9713 Respiratory Care Practitioners
§ 9910 Dieticians
§ 12503-A Acupuncturists and Naturopaths
§ 12273-A Certified Public Accountants
To file a complaint against a licensed facility, report to the Department of Health and Human Services, Division of Licensing and Regulatory Services:

1-800-383-2441 (statewide toll-free) 1-800-606-0215 (TTY).

“The Department will accept complaints from any person about alleged violation(s) of licensing regulations. The provider shall not retaliate against any consumer or his/her representative for filing a complaint. Complainants have immunity from civil or criminal liability when the complaint is made in good faith. Any licensing violations noted as a result of a complaint investigation will be provided to the assisted living program in writing.”


HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)

DISCLOSURE BY MEDICAL PROFESSIONALS

HIPAA is the federal law that establishes standards for the privacy and security of health information, as well as standards for electronic data interchange (EDI) of health information.

HIPAA has two main goals, as its name implies: making health insurance more portable when persons change employers; and making the health care system more accountable for costs—trying especially to reduce waste and fraud.

HIPAA’s regulations directly cover three basic groups of individual or corporate entities: health plans, health care providers and health care clearinghouses.

With regard to potential cases of elder abuse, permitted use and disclosures include giving information (without consent) to health care professionals and to law enforcement officials.

A covered entity may disclose patient information without consent:

A) To law enforcement regarding victims of abuse, neglect or domestic violence. (45CFR sec. 164.512).

B) When protected information may be evidence of a crime or to inform law enforcement of the nature of the crime. (45CFR sec. 164.512).

HIPAA does not override Maine’s state law requiring the reporting of abuse, neglect and exploitation of dependent and incapacitated persons.


Additional questions should be referred to your agency counsel.

DOMESTIC ABUSE

A broad definition of abuse is a pattern of coercive behavior that is used by a person against family or household members or dating partners to gain power or control over the other party in a relationship. This behavior may include any of the following: physical violence, sexual abuse, emotional and psychological intimidation, verbal abuse and threats, stalking, isolation from friends and family, economic control, destruction of personal property and animal cruelty. Domestic violence occurs between people of all racial, economic, educational and religious backgrounds. It occurs in heterosexual and same-sex relationships, between married and unmarried partners, between current and former partners and between other family and household members (Maine Coalition to End Domestic Violence, www.mcedv.org).
CRIMES OF DOMESTIC VIOLENCE

In 2008, new legislation took effect to formally label crimes that occur between family and household members as defined by 19-A M.R.S.A. § 4002(4) as crimes of domestic violence. These crimes include:

- Domestic Violence Assault (17-A M.R.S.A. §207-A)
- Domestic Violence Criminal Threatening (17-A M.R.S.A. §209-A)
- Domestic Violence Terrorizing (17-A M.R.S.A. §210-B)
- Domestic Violence Stalking (17-A M.R.S.A. §210-C)
- Domestic Violence Reckless Conduct (17-A M.R.S.A. §211-A)

These are all Class D crimes on their first offense, but upon the second domestic violence offense, the crime is elevated to a felony.

WHO CAN SECURE A PROTECTION FROM ABUSE ORDER?

(19-A M.R.S.A. §§ 4002 & 4005)

Recent amendments to the Protection from Abuse (PFA) statute now allow victims of stalking and sexual assault to secure a protection order even if the parties do not meet the statutory definition of “family or household member”. This means that a victim of a “stranger rape” or a “stranger stalker” can secure a civil protection order against the perpetrator if his identity becomes known. Further, this protection is also now available to dating partners even if the dating partners have not engaged in sexual intercourse.

**Dating partners:** “Dating partners” means individuals currently or formerly involved in dating each other, whether or not the individuals are or were sexual partners.

**Family or household members:** “Family or household members” means spouses or domestic partners or former spouses or former domestic partners, individuals presently or formerly living together as spouses, natural parents of the same child, adult household members related by consanguinity or affinity or minor children of a household member when the defendant is an adult household member and, for the purposes of this chapter and Title 17-A, sections 1201, 1202 and 1253 only, includes individuals presently or formerly living together and individuals who are or were sexual partners. Holding oneself out to be a spouse is not necessary to constitute “living as spouses.” For purposes of this subsection, “domestic partners” means 2 unmarried adults who are domiciled together under long-term arrangements that evidence a commitment to remain responsible indefinitely for each other’s welfare.

**Sexual Assault/Stalking Victims:** An adult who has been a victim of conduct defined as stalking in Title 17-A, section 210-A or described as sexual assault in Title 17-A, chapter 11, whether or not the conduct was perpetrated by a family or household member or dating partner, may seek relief by filing a complaint alleging that conduct without regard to whether criminal prosecution has occurred.

CIVIL HARASSMENT (5 M.R.S.A. § 4651)

In cases where the facts do not support a victim seeking a PFA (usually because the victim is not in fear for his or her physical safety, or because the abuse was not perpetrated by a family or member living in the same household), a Protection from Harassment order may be an option.

2. Harassment. “Harassment” means:

A. Three or more acts of intimidation, confrontation, physical force or the threat of physical force directed against any person, family or business that are made with the intention of causing fear, intimidation or damage to property and that do in fact cause fear, intimidation or damage to property;

B. Three or more acts that are made with the intent to deter the free exercise or enjoyment of any rights or privileges secured by the Constitution of Maine or the United States Constitution; or

C. A single act or course of conduct constituting a violation of section 4681 [civil rights act]; Title 17, section 2931 [criminal interference with constitutional and civil rights]; or Title 17-A, sections 201 [murder], 202 [felony murder], 203 [manslaughter], 204 [aiding

or soliciting suicide], 207 [assault], 208 [aggravated assault], 209 [criminal threatening], 210 [terrorizing], 210-A [stalking], 211 [reckless conduct], 233 [gross sexual assault], 301 [kidnapping], 302 [criminal restraint], 303 [criminal restraint by parent], 506-A [harassment], 511 [violation of privacy], 556 [incest], 802 [arson], 805 [aggravated criminal mischief] or 806 [criminal mischief].

**PFA V. PFH CONUNDRUM RE: THE ELDERLY IN MAINE**

There are two general types of protective orders utilized by those working to protect victims of domestic violence: Protection from Abuse (PFA) Orders obtained pursuant to 19-A M.R.S.A. §§ 4001 – 4014 and Protection from Harassment (PFH) Orders obtained pursuant to 5 M.R.S.A. §§ 4651 – 4660-A. In certain Maine Courts parents of children who do not live within the same building as their offspring are not allowed to seek Protection from Abuse (PFA) orders. They are not deemed “household members” and are not deemed to have the status of “formerly living together.” Elders being abused by non-resident children are directed to seek Protection from Harassment orders pursuant to 5 M.R.S.A. § 4651 et seq. The conundrum is embedded in the statutes.

Title 19-A M.R.S.A. § 4002(1) describes “abuse” so:

“Abuse” means the occurrence of the following acts to between family or household members or dating partners or by a family or household member or dating partner upon a minor child of a family or household member or dating partner:

Further on the same statute, at §4002(4) defines “household member” thus:

“Family or household members” means spouses or domestic partners or former spouses or former domestic partners, individuals presently or formerly living together as spouses, natural parents of the same child, adult household members related by consanguinity or affinity or minor children of a household member when the defendant is an adult household member; and for the purposes of this chapter and Title 17-A, sections 1201, 1202 and 1253 only, also includes individuals presently or formerly living together and individuals who are or were

sexual partners. Holding oneself out to be a spouse is not necessary to constitute “living as spouses.” For purposes of this subsection, “domestic partners” means two unmarried adults who are domiciled together under long-term arrangements that evidence a commitment to remain responsible indefinitely for each other’s welfare.

The problems that being barred from PFA and directed to PFH create include:

- PFH orders expire in one year. 5 M.R.S.A. § 4655(2).
- There is a $30.00 PFH filing fee (no fee to file for PFA).
- “Three or more” acts are commonly required to prove harassment §4651(2)(A).
- “When reasonable” the Plaintiff must give notice (before obtaining even a temporary PFH order) to the Defendant. 5 M.R.S.A. § 4654(2)(B).
- While PFA orders routinely bar defendants from possessing firearms, 19-A §4007(1)(A-2), PFH orders do not.

**SEXUAL ABUSE (22 M.R.S.A. § 3472)**

Sexual abuse occurs when the abuser engages in unwanted sexual acts, contact or touching. Sexual abuse often occurs with an incapacitated adult as the victim.

Sexual acts may also include unwarranted, intrusive and/or painful procedures in caring for the victim’s genitals or rectal area, such as application or insertion of creams, ointments, thermometers, enemas, catheters, fingers, soap, washcloths or other objects when not medically prescribed and unnecessary for the health and well-being of the victim.

**SEXUAL ASSAULTS (17-A M.R.S.A. §§ 251-283)**

§ 253. Gross Sexual Assault

§ 255-A. Unlawful Sexual Contact

§ 260. Unlawful Sexual Touching

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1 These acts as defined in 19-A M.R.S.A § 4002(1)(A-F).

Financial Exploitation

POWER OF ATTORNEY, PRINCIPAL & AGENT
(18-A M.R.S.A. § 5-508)

Often, financial abuse occurs via the misuse of a durable financial power of attorney. Black’s Law Dictionary defines Power of Attorney (POA) as: “An instrument granting someone authority to act as agent or attorney-in-fact for the grantor.”

“Power” (letter) of Attorney (appointing agent) is an ancient device that is essentially a contract wherein one person (the Principal) appoints another (the Agent) to act on his or her behalf.

A durable (read: “enduring”) power of attorney (DPOA) is a POA that appoints an agent to act on behalf of the Principal beyond the time the principal can no longer direct the agent.

All POAs expire with the death of the principal. The agent is allowed to act only until the time of “actual notice” of death or revocation.

Agents pursuant to POA have no inherent automatic or remaining authority over the estate of a deceased.

Under Maine statute, durable financial power of attorney means the following:

(a) A durable financial power of attorney is a durable power of attorney by which a principal designates another as attorney-in-fact [a.k.a. agent] to make decisions on the principal’s behalf in matters concerning the principal’s finances, property or both. In the exercise of the powers conferred under a durable financial power of attorney, an attorney-in-fact shall act as a fiduciary under the standards of care applicable to trustees as described by Title 18-B, sections 802 to 807 and chapter 9.

(b) An attorney-in-fact is not authorized to make gifts to the attorney in-fact or to others unless the durable financial power of attorney explicitly authorizes such gifts.

(c) A durable financial power of attorney executed in this State must be notarized by a notary public or an attorney-at-law.

(d) A durable financial power of attorney executed in this State must contain the following language:

Notice to the Principal: As the “Principal,” you are using this Durable Power of Attorney to grant power to another person (called the “Agent” or “Attorney-in-fact”) to make decisions about your money, property or both and to use your money, property or both on your behalf. If this written Durable Power of Attorney does not limit the powers that you give your Agent, your Agent will have broad and sweeping powers to sell or otherwise dispose of your property and spend your money without advance notice to you or approval by you. Under this document, your Agent will continue to have these powers after you become incapacitated, and you may also choose to authorize your Agent to use these powers before you become incapacitated. The powers that you give your Agent are explained more fully in the Maine Revised Statutes, Title 18-A, sections 5-501 to 5-508 and in Maine case law. You have the right to revoke or take back this Durable Power of Attorney at any time as long as you are of sound mind. If there is anything about this Durable Power of Attorney that you do not understand, you should ask a lawyer to explain it to you.

Notice to the Agent: As the “Agent” or “Attorney-in-fact,” you are given power under this Durable Power of Attorney to make decisions about the money, property or both belonging to the Principal and to spend the Principal’s money, property or both on that person’s behalf in accordance with the terms of this Durable Power of Attorney. This Durable Power of Attorney is valid only if the Principal is of sound mind when the Principal signs it. As the Agent, you are under a duty (called a “fiduciary duty”) to observe the standards observed by a prudent person dealing with the property of another. The duty is explained more fully in the Maine Revised Statutes, Title 18-A, sections 5-501 to 5-508 and Title 18-B, sections 802 to 807 and chapter 9 and in Maine case law. As the Agent, you are not entitled to use the money or property for your own benefit or to make gifts to yourself or others unless the Durable Power of Attorney specifically gives you the authority to do so. As the Agent, your authority under this Durable Power of Attorney will end when the Principal dies and you will not have the authority to administer the estate unless you are authorized to do so in accordance with the Probate Code. If you violate your fiduciary duty under this Durable Power of Attorney, you may be liable for damages and may be subject to criminal prosecution. If there is anything about this Durable Power of Attorney or your duties
under it that you do not understand, you should ask a lawyer to explain it to you. This language does not confer powers not otherwise contained in the durable financial power of attorney.

(e) Subject to the requirements of subsection (b), the generality powers of an attorney-in-fact in a power of attorney that contains language appointing the attorney-in-fact to care for, manage, control and handle all of the principal’s business, financial, property and personal affairs in as full and complete a manner as the principal might do is not limited by the inclusion in the power of attorney of a list of the specific powers granted to the attorney-in-fact.

(f) A power of attorney that contains a grant of general authority referred to in subsection (e) does not create a power of attorney for health care unless the power of attorney explicitly authorizes the attorney-in-fact to make health care decisions.

(g) The requirements of subsections (b), (c) and (d) do not render ineffective a durable financial power of attorney validly executed prior to September 19, 1997 or a durable financial power of attorney executed prior to December 31, 1998 in accordance with this section as in effect on September 19, 1997. The requirements of subsection (d) do not render ineffective a durable power of attorney validly executed prior to July 1, 2005 in accordance with this section.

(h) The requirements of this section do not apply to any durable financial power of attorney:

1. Granted by a person other than a natural person;
2. Granted to the secured party or mortgagee in a security agreement or mortgage; or
3. Given by or on behalf of a debtor, guarantor or accommodation party as a part of loan documentation related to a credit transaction, if the creditor entered into the transaction for value.

(i) Notwithstanding subsections (c) and (d), any military power of attorney executed in accordance with 10 United States Code, Section 1044b is valid in this State.

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UNDUE INFLUENCE
(33 M.R.S.A. §§ 1022-1023)

§ 1022. Undue influence

1. Presumption. In any transfer of real estate or major transfer of personal property or money for less than full consideration or execution of a guaranty by an elderly person who is dependent on others to a person with whom the elderly dependent person has a confidential or fiduciary relationship, it is presumed that the transfer or execution was the result of undue influence, unless the elderly dependent person was represented in the transfer or execution by independent counsel. When the elderly dependent person successfully raises the presumption of undue influence by a preponderance of the evidence and when the transferee or person who benefits from the execution of a guaranty fails to rebut the presumption, the elderly dependent person is entitled to avoid the transfer or execution and is entitled to the relief set forth in section 1024.

2. Confidential or fiduciary relationship. For the purpose of this section, the transfer of property or execution of a guaranty is deemed to have been made in the context of a confidential or fiduciary relationship if the transferee or person who benefits from the execution of a guaranty had a close relationship with the elderly dependent person prior to the transfer or execution. Confidential or fiduciary relationships include the following:

A. A family relationship between the elderly dependent person and the transferee or person who benefits from the execution of a guaranty, including relationships by marriage and adoption;
B. A fiduciary relationship between the elderly dependent person and the transferee or person who benefits from the execution of a guaranty, such as with a guardian, conservator, trustee, accountant, broker or financial advisor;
C. A relationship between an elderly dependent person and a physician, nurse or other medical or health care provider;
D. A relationship between the elderly dependent person and a psychologist, social worker or counselor;
E. A relationship between the elderly dependent person and an attorney;
F. A relationship between the elderly dependent person and a priest, minister, rabbi or spiritual advisor;
G. A relationship between the elderly dependent person and a person who provides care or services to that person whether or not care or services are paid for by the elderly person;
H. A relationship between an elderly dependent person and a friend or neighbor; or
I. A relationship between an elderly dependent person and a person sharing the same living quarters.

When any of these relationships exist and when a transfer or execution is made to a corporation or organization primarily on account of the membership, ownership or employment interest or for the benefit of the fiduciary or confidante, a fiduciary or confidential relationship with the corporation or organization is deemed to exist.

§ 1023. Civil action; relief available

1. Civil action. A civil action may be brought to obtain relief under this chapter by an elderly dependent person, that person’s legal representative or the personal representative of the estate of an elderly dependent person.

2. Relief available; protected transfers and executions. When a court finds that a transfer of property or execution of a guaranty was the result of undue influence, it shall grant appropriate relief enabling the elderly dependent person to avoid the transfer or execution, including the rescission or reformation of a deed or other instrument, the imposition of a constructive trust on property or an order enjoining use of or entry on property or commanding the return of property. When the court finds that undue influence is a good and valid defense to a transferee’s suit on a contract to transfer the property or a suit of a person who benefits from the execution of a guaranty on that guaranty, the court shall refuse to enforce the transfer or guaranty.

No relief obtained or granted under this section may in any way affect or limit the right, title and interest of good faith purchasers, mortgagees, holders of security interests or other 3rd parties who obtain an interest in the transferred property for value after its transfer from the elderly dependent person. No relief obtained or granted under this section may affect any mortgage deed to the extent of value given by the mortgagee.

Improvident Transfer of Title Act
33 M.R.S.A. § 1021 – 1025

The Improvident Transfer of Title Act, enacted in 1987, is a statutory cause of action that can be used to protect and repair elders who have been financially exploited by those close to them.

“Presumption. In any transfer of real estate or major transfer of personal property or money for less than full consideration or execution of a guaranty by an elderly person who is dependent on others to a person with whom the elderly dependent person has a confidential or fiduciary relationship, it is presumed that the transfer or execution was the result of undue influence, unless the elderly dependent person was represented in the transfer or execution by independent counsel. When the elderly dependent person successfully raises the presumption of undue influence by a preponderance of the evidence and when the transferee or person who benefits from the execution of a guaranty fails to rebut the presumption, the elderly dependent person is entitled to avoid the transfer or execution and entitled to the relief set forth in section 1024.”


Elements Required by Improvident Transfer Act
- Elderly – over 60 years of age § 1021(2).
- Dependent – means “wholly or partially dependant” for emotional or physical support due to “significant limitation” i.e. mobility, vision, hearing, mental functioning or ability to read or write or suffering or recovering from major illness or surgery. § 1021(1). (There is no requirement that the elder be dependant on the specific person to whom the transfer was made.)
- Lack of “Independent” counsel – counsel must represent the elder. § 1021(3).
- Major Transfer for less than value – means transfer of more than 10% of elder’s estate to transferee for less than “fair market value”. §1021(4) & (5).
- Transferee must have “confidential or fiduciary” relationship – this includes family, fiduciaries, doctors, ministers, attorneys, health care provider, other care givers (paid or not), friends/neighbors, or anyone sharing the same living quarters.
Improvident Transfer of Title is not an exclusive remedy. Besides the remedies available in the Act pursuant to §1023, all other causes of action or relief at law or equity (i.e., fraud, unjust enrichment, constructive trusts) remain available. See, § 1024.

Improvident Transfer of Title Actions can be filed in District or Superior Court. The Improvident Transfer of Title Act was amended in 2003 to make clear that the cause of action survives death. See, § 1023(1).

1 There is no minimum in statute on value of real estate transfers.
2 “Transfers” via wills or other testamentary devices are outside the scope of this law.
3 The list in § 1022(2) does not appear exhaustive, it appears to be ejusdem generis: “things of this type”.

SECURITIES
(32 M.R.S.A. § 16102(28))

Although many people think of securities exclusively as formally traded stocks, even the simplest of “investments” can be considered a security for purposes of criminal prosecution. This is especially useful in cases of financial exploitation in which the exploited elder was persuaded to “loan” money for some type of “business” enterprise. According to federal case law, all that is required to establish a security is (a) an investment of assets (cash or property), (b) in an enterprise with others, (c) all of whom expect to make money (even if only as interest on a loan), (d) while someone else manages the activity (i.e., the investor is expected to do nothing).

Under Maine law, the definition is as follows:

28. Security. “Security” means a note; stock; treasury stock; security future; bond; debenture; evidence of indebtedness; certificate of interest or participation in any profit-sharing agreement; collateral trust certificate; preorganization certificate or subscription; transferable share; investment contract; investment in a viatical or life settlement contract; voting trust certificate; certificate of deposit for a security; fractional undivided interest in oil, gas or other mineral rights; documents of title to or certificates of interest or participation in an oil, gas or other mineral title or lease or in payments out of production under any title, lease, right or royalty; put, call, straddle, option or privilege on a security, certificate of deposit or group or index of securities, including an interest therein or based on the value thereof; put, call, straddle, option or privilege entered into on a national securities exchange relating to foreign currency; or, in general, an interest or instrument commonly known as a “security”; or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of or warrant or right to subscribe to or purchase any of the foregoing.

“Security”:

A. Includes both a certificated and an uncertificated security;

B. Does not include an insurance or endowment policy or annuity contract under which an insurance company promises to pay a fixed or variable sum of money either in a lump sum or periodically for life or some other specified period;

C. Does not include an interest in a contributory or noncontributory pension or welfare plan subject to the Federal Employee Retirement Income Security Act of 1974;

D. Includes as an investment contract an investment in a common enterprise with the expectation of profits to be derived primarily from the efforts of a person other than the investor. For purpose of this paragraph, “common enterprise” means an enterprise in which the fortunes of the investor are interwoven with those of either the person offering the investment, a 3rd party or other investor; and

E. Includes as an investment contract, among other contracts, an interest in a limited partnership and a limited liability company.
DENIAL OF ACCESS

Denial of Access occurs when abuse is occurring and the abuser refuses to allow any of the following professionals into the home despite the need for assistance: law enforcement officer, emergency medical technician, adult protective services worker, or investigator for the Attorney General or District Attorney. The following actions may be warranted, depending on the severity of abuse and the specific actions of the abuser.

POTENTIAL CRIMINAL JUSTICE ACTIONS: DENIAL OF ACCESS

(Statutes under which law enforcement may arrest and/or prosecutors may charge)

- Endangering welfare of dependent person 17-A M.R.S.A. § 555
- Failure to report to Adult Protective Services (APS) (civil violation; $500 fine) 22 M.R.S.A. §§ 3475, 3477
- Obstructing report of a crime or injury (Class D) 17-A M.R.S.A. § 758
- Obstructing government administration (Class D) 17-A M.R.S.A. § 751
- Reckless conduct (Class D) 17-A M.R.S.A. § 211
- Unsworn falsification (Class D) 17-A M.R.S.A. § 453
- Assault on an emergency medical provider (Class C) 17-A M.R.S.A. § 752-C
- Obstructing criminal prosecution (Class C) 17-A M.R.S.A. § 754
- Aggravated reckless conduct (Class B) 17-A M.R.S.A. § 213
- Tampering with a witness, informant, juror or victim (Class B or C) 17-A M.R.S.A. § 454
- Manslaughter (Class A or C) 17-A M.R.S.A. § 203
- Murder 17-A M.R.S.A. § 201

In addition to the remedies listed above, consider the following when abuse occurs in regulated facilities/community programs:

- Falsifying private records (Class E) 17-A M.R.S.A. § 707
- Falsifying physical evidence (Class D) 17-A M.R.S.A. § 455

SECTION II:
POTENTIAL CRIMINAL AND CIVIL REMEDIES
PHYSICAL ABUSE

Physical abuse occurs when the abuser intentionally, knowingly or recklessly causes offensive physical contact or bodily injury (17-A M.R.S.A. § 2(5)). This includes physical pain, physical illness or any impairment of physical condition, or creating a substantial risk of death or serious bodily injury. “Serious bodily injury” means a bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or loss, or substantial impairment of the function of any bodily member or organ, or extended convalescence necessary for recovery of physical health (17-A M.R.S.A. § 2(23)).

POTENTIAL CRIMINAL JUSTICE ACTIONS: PHYSICAL ABUSE

(Statutes under which law enforcement may arrest and/or prosecutors may charge)

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<td>Assault (Class D)</td>
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<tr>
<td>Violation of a protective order (Class D)</td>
<td>17-A M.R.S.A. § 506-B</td>
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<td>Reckless violation of a protective order (Class C)</td>
<td>19-A M.R.S.A. § 4011(4)</td>
</tr>
<tr>
<td>Aggravated assault (Class B)</td>
<td>17-A M.R.S.A. § 208</td>
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<td>Aggravated reckless conduct (Class B)</td>
<td>17-A M.R.S.A. § 213</td>
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<td>Elevated aggravated assault (Class A)</td>
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<td>Attempted Murder (Class A)</td>
<td>17-A M.R.S.A. §§ 152, 201</td>
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POTENTIAL CIVIL ACTIONS: DENIAL OF ACCESS

(Actions that may be brought by an individual, a private attorney, or the state attorney general on behalf of the victim or for offender accountability)

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<td>19-A M.R.S.A. § 4002(i)(C) or (D)</td>
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<td>NB: Relief may include remedies for financial losses suffered as a direct result of the abuse.</td>
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<td>Protection from harassment order</td>
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<td>5 M.R.S.A. § 4655(i) (D), (F)</td>
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<td>Persons mandated to report suspected abuse, neglect or exploitation.</td>
<td>22 M.R.S.A. § 3477</td>
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<tr>
<td>Wrongful Death</td>
<td>18-A M.R.S.A. § 2-804</td>
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In addition to the remedies listed above, consider the following when abuse occurs in regulated facilities or community programs:

- Negligent Hiring or Retention common law
- Complaint with professional licensing board, See Section III
- False Imprisonment common law
- Respondeat Superior common law
- Negligence common law
- Negligent Infliction of Emotional Distress (if there is physical harm) common law
- Intentional Infliction of Emotional Distress common law
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<td>Cruelty to animals (Class C or D, or civil violation)</td>
<td>17-A M.R.S.A. § 1031</td>
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<td>Unlawfully furnishing scheduled drugs (Class C or D)</td>
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**POTENTIAL CIVIL ACTIONS: PHYSICAL ABUSE**

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<td>Petition for guardianship of incapacitated person</td>
<td>18-A M.R.S.A. §§ 5-301-5-313</td>
</tr>
<tr>
<td>NB: Availability of limited guardianship</td>
<td>18-A M.R.S.A. § 5-105</td>
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<td>Petition for removal of guardian</td>
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In addition to the remedies listed above, consider the following when abuse occurs in regulated facilities/community programs:

- Negligent hiring or retention common law
- Complaint with professional licensing board
- Respondeat Superior common law
- Negligence common law
- Assault/battery common law
- Negligent Infliction of Emotional Distress (if there is physical harm) common law
- Intentional Infliction of Emotional Distress common law
SEXUAL ABUSE

Sexual abuse occurs when the abuser engages in unwanted sexual acts, contact or touching. Sexual abuse often occurs with an incapacitated adult as the victim. Sexual acts may also include: unwarranted, intrusive and/or painful procedures in caring for the victim's genitals or rectal area, such as application or insertion of creams, ointments, thermometers, enemas, catheters, fingers, soap, washcloths or other objects when not medically prescribed and unnecessary for the health and well-being of the victim.

In addition to the remedies listed above, consider the following when abuse occurs in regulated facilities/community programs:

Falsifying private records (Class E) 17-A M.R.S.A. § 707
Falsifying physical evidence (Class D) 17-A M.R.S.A. § 455

POTENTIAL CIVIL ACTIONS: SEXUAL ABUSE

(Actions that may be brought by an individual, a private attorney, and/or the state attorney general on behalf of the victim or for offender accountability)

Directly Associated Statutes

Protection from abuse order 19-A M.R.S.A. §§ 4002-4077
Relief may include remedies 19-A M.R.S.A. § 4007(1), (K), (M) for financial losses suffered as a direct result of the abuse
Protection from harassment order 5 M.R.S.A. §§ 4651-4655
Relief may include remedies for financial 5 M.R.S.A. § 4655(1) (D), (F) losses suffered as a direct result of the harassment
Failure to report to APS (civil violation; $500 fine) 22 M.R.S.A. §§ 3475, 3477
Petition for guardianship of incapacitated person 18-A M.R.S.A. §§ 5-301-5-313
NB: Availability of limited guardianship 18-A M.R.S.A. § 5-105
Petition for removal of guardian 18-A M.R.S.A. § 5-307

Often Associated Statutes

Durable Power of Attorney 18-A M.R.S.A. §§ 5-501-5-510
Revocation of Power of Attorney 18-A M.R.S.A. § 5-504
Durable Health-care Power of Attorney 18-A M.R.S.A. § 5-506
Advance Health-care Directive 18-A M.R.S.A. §§ 5-801-5-818
Revocation of Advance Health-care Directive 18-A M.R.S.A. § 5-803
Protective custody of mentally ill person 34-B M.R.S.A. § 3805
Application to Victims’ Compensation Fund 5 M.R.S.A. §§ 3360-3360-M
In addition to the remedies listed above, consider the following when abuse occurs in regulated facilities/community programs:

- Negligent hiring or retention common law
- Complaint with professional licensing board
- Respondeat Superior common law
- Negligence common law
- Assault/battery common law
- Negligent Infliction of Emotional Distress (if there is physical harm) common law
- Intentional Infliction of Emotional Distress common law

**CONFINEMENT**

Confinement occurs when the abuser holds the victim against their will by physical or chemical restraint, and/or by engaging in behavior that results in a person not feeling free to move about or seek assistance. This may include removing or impairing assistive devices, or threatening the safety of loved ones, including pets.

**POTENTIAL CRIMINAL JUSTICE ACTIONS: CONFINEMENT**

(Statutes under which law enforcement may arrest and/or prosecutors may charge)

**Directly Associated Statutes**

<table>
<thead>
<tr>
<th>Statute Description</th>
<th>Statutory Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Endangering welfare of dependent person</td>
<td>17-A.M.R.S.A. § 555</td>
</tr>
<tr>
<td>Failure to report to APS (civil violation; $500 fine)</td>
<td>22 M.R.S.A. §§ 3475, 3477</td>
</tr>
<tr>
<td>Obstructing report of crime or injury (Class D)</td>
<td>17-A M.R.S.A. § 758</td>
</tr>
<tr>
<td>Criminal restraint (Class D)</td>
<td>17-A M.R.S.A. § 302</td>
</tr>
<tr>
<td>Reckless conduct (Class D)</td>
<td>17-A M.R.S.A. § 211</td>
</tr>
<tr>
<td>Aggravated reckless conduct (Class B)</td>
<td>17-A M.R.S.A. § 213</td>
</tr>
<tr>
<td>Kidnapping (Class A or B)</td>
<td>17-A M.R.S.A. § 301</td>
</tr>
<tr>
<td>Manslaughter (Class A)</td>
<td>17-A M.R.S.A. § 203</td>
</tr>
<tr>
<td>Murder</td>
<td>17-A M.R.S.A. § 201</td>
</tr>
</tbody>
</table>

**Often Associated Statutes**

<table>
<thead>
<tr>
<th>Statute Description</th>
<th>Statutory Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unsworn falsification (Class D)</td>
<td>17-A M.R.S.A. § 453</td>
</tr>
<tr>
<td>Unlawfully furnishing scheduled drugs (Class C or D)</td>
<td>17-A M.R.S.A. § 1106</td>
</tr>
<tr>
<td>Cruelty to animals (Class C or D, or civil violation)</td>
<td>17 M.R.S.A. § 1031</td>
</tr>
<tr>
<td>Tampering with a witness, informant, juror or victim (Class A-C)</td>
<td>7-A M.R.S.A. § 454</td>
</tr>
</tbody>
</table>
In addition to the remedies listed above, consider the following when abuse occurs in regulated facilities/community programs:

<table>
<thead>
<tr>
<th>Potential Civil Actions: Confinement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Protection from abuse order</td>
</tr>
<tr>
<td>Relief may include remedies</td>
</tr>
<tr>
<td>Protection from harassment order</td>
</tr>
<tr>
<td>NB: Relief may include remedies for financial losses suffered as a direct result of the harassment.</td>
</tr>
<tr>
<td>Failure to report to APS</td>
</tr>
<tr>
<td>(civil violation; $500 fine)</td>
</tr>
<tr>
<td>Assault &amp; Battery common law</td>
</tr>
<tr>
<td>False imprisonment common law</td>
</tr>
<tr>
<td>Guardianship</td>
</tr>
<tr>
<td>Conservatorship</td>
</tr>
<tr>
<td>Negligent Infliction of Emotional Distress (if there is physical harm) common law</td>
</tr>
<tr>
<td>Intentional Infliction of Emotional Distress common law</td>
</tr>
</tbody>
</table>

Often Associated Statutes

<table>
<thead>
<tr>
<th>Statute</th>
</tr>
</thead>
<tbody>
<tr>
<td>Protective custody of mentally ill person</td>
</tr>
<tr>
<td>Application to victims’ compensation fund</td>
</tr>
<tr>
<td>Wrongful Death</td>
</tr>
</tbody>
</table>

In addition to the remedies listed above, consider the following when abuse occurs in regulated facilities/community programs:

- Negligent hiring or retention common law
- Complaint with professional licensing board, See Section III
- Respondeat Superior common law
- Negligence common law
STALKING

Stalking occurs when a person engages in a course of conduct that would cause a reasonable person to suffer serious inconvenience or emotional distress, to fear bodily injury or death, to fear bodily injury or death to a close relation, to fear damage or destruction to or tampering with property, or to fear injury or the death of an animal owned or in the possession of the victim. A course of conduct of stalking means two or more acts including, but not limited to, acts in which the actor, by any action, method, device or means, directly or indirectly follows, monitors, tracks, observes, surveils, threatens, harasses or communicates to or about a person or interferes with a person’s property; threats implied by conduct and gaining unauthorized access to personal, medical, financial or other identifying or confidential information. For purposes of this law, serious inconvenience means that the conduct causes a person to significantly modify that person’s actions and routines in an attempt to avoid the stalker or because of the stalker’s course of conduct. A close relation can be a family member, co-worker or friend.

POTENTIAL CRIMINAL JUSTICE ACTIONS: STALKING

(The following offenses are frequently associated with stalking behavior under which law enforcement may arrest and/or offender may charge)

<table>
<thead>
<tr>
<th>Offense</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Endangering welfare of dependent person</td>
<td>17A-M.R.S.A. § 555</td>
</tr>
<tr>
<td>Failure to report to APS (civil violation; $500 fine)</td>
<td>22 M.R.S.A. §§ 3475, 3477</td>
</tr>
<tr>
<td>Harassment (Class E)</td>
<td>17-A M.R.S.A. § 506-A</td>
</tr>
<tr>
<td>Harassment by telephone (Class E)</td>
<td>17-A M.R.S.A. § 506</td>
</tr>
<tr>
<td>Trespass by motor vehicle (Class E)</td>
<td>17-A M.R.S.A. § 404</td>
</tr>
<tr>
<td>Criminal trespass (Class D or E)</td>
<td>17-A M.R.S.A. § 402</td>
</tr>
<tr>
<td>Stalking (Class D)</td>
<td>17-A M.R.S.A. § 210-A</td>
</tr>
<tr>
<td>Criminal threatening (Class D)</td>
<td>17-A M.R.S.A. § 209</td>
</tr>
<tr>
<td>Terrorizing (Class D)</td>
<td>17-A M.R.S.A. § 210</td>
</tr>
<tr>
<td>Violation of privacy (Class D)</td>
<td>17-A M.R.S.A. § 511</td>
</tr>
<tr>
<td>Criminal invasion of computer privacy (Class D)</td>
<td>17-A M.R.S.A. § 432</td>
</tr>
<tr>
<td>Violation of a protective order (Class D)</td>
<td>17-A M.R.S.A. § 506-B</td>
</tr>
<tr>
<td>Unsworn falsification (Class D)</td>
<td>17-A M.R.S.A. § 453</td>
</tr>
<tr>
<td>Aggravated criminal invasion of computer privacy (Class C)</td>
<td>17-A M.R.S.A. § 433</td>
</tr>
<tr>
<td>Aggravated criminal trespass (Class C)</td>
<td>17-A M.R.S.A. § 402-A</td>
</tr>
<tr>
<td>Tampering with a witness, informant, juror or victim (Class A-C)</td>
<td>17-A M.R.S.A. § 454</td>
</tr>
</tbody>
</table>

In addition to the remedies listed above, consider the following when abuse occurs in regulated facilities/community programs:

<table>
<thead>
<tr>
<th>Offense</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Falsifying private records (Class E)</td>
<td>17-A M.R.S.A. § 707</td>
</tr>
<tr>
<td>Falsifying physical evidence (Class D)</td>
<td>17-A M.R.S.A. § 455</td>
</tr>
</tbody>
</table>

POTENTIAL CIVIL ACTIONS: STALKING

(Actions that may be brought by an individual, a private attorney, and/or the state attorney general on behalf of the victim or for offender accountability)

Directly Associated Statutes

<table>
<thead>
<tr>
<th>Offense</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Protection from abuse order</td>
<td>19-A M.R.S.A. § 4002(i)(F)</td>
</tr>
<tr>
<td>Relief may include remedies for</td>
<td>19-A M.R.S.A. § 4007(i) (I), (K), (M) financial losses suffered as a direct result of the abuse.</td>
</tr>
<tr>
<td>Protection from harassment order</td>
<td>5 M.R.S.A. § 4651</td>
</tr>
<tr>
<td>NB: Relief may include remedies for</td>
<td>5 M.R.S.A. § 4655(i) (D), (F) financial losses suffered as a direct result of the harassment.</td>
</tr>
<tr>
<td>Failure to report to APS (civil violation; $500 fine)</td>
<td>22 M.R.S.A. §§ 3475, 3477</td>
</tr>
<tr>
<td>No Trespass Order</td>
<td>17-A M.R.S.A. § 402 (Citizen can send out this notice.)</td>
</tr>
</tbody>
</table>
**EMOTIONAL ABUSE**

Emotional abuse occurs when the abuser engages in humiliation, isolation, name-calling, intimidation and threats.

**POTENTIAL CRIMINAL JUSTICE ACTIONS: EMOTIONAL ABUSE**

(Unlawful Emotional Abuse is often associated with the following criminal offenses under which law enforcement may arrest and/or prosecutors may charge.)

<table>
<thead>
<tr>
<th>Offense</th>
<th>Statute</th>
</tr>
</thead>
<tbody>
<tr>
<td>Endangering welfare of dependent person</td>
<td>17A-M.R.S.A. § 555</td>
</tr>
<tr>
<td>Failure to report to APS (civil violation; $500 fine)</td>
<td>22 M.R.S.A. §§ 3475, 3477</td>
</tr>
<tr>
<td>Disorderly conduct (Class E)</td>
<td>17-A M.R.S.A. § 501-A</td>
</tr>
<tr>
<td>Harassment by telephone (Class E)</td>
<td>17-A M.R.S.A. § 506</td>
</tr>
<tr>
<td>Harassment (Class E)</td>
<td>17-A M.R.S.A. § 506-A</td>
</tr>
<tr>
<td>Criminal threatening (Class D)</td>
<td>17-A M.R.S.A. § 209</td>
</tr>
<tr>
<td>Terrorizing (Class D)</td>
<td>17-A M.R.S.A. § 210</td>
</tr>
<tr>
<td>Violation of a protective order (Class D)</td>
<td>17-A M.R.S.A. § 506-B</td>
</tr>
<tr>
<td>Unsworn falsification (Class D)</td>
<td>17-A M.R.S.A. § 453</td>
</tr>
<tr>
<td>Cruelty to animals (Class C or D, or civil violation)</td>
<td>17 M.R.S.A. § 1031</td>
</tr>
<tr>
<td>Tampering with a witness, informant, juror or victim (Class A-C)</td>
<td>17-A M.R.S.A. § 454</td>
</tr>
</tbody>
</table>

In addition to the remedies listed above, consider the following when abuse occurs in regulated facilities/community programs:

- Complaint with professional licensing board See Section III
- Respondeat Superior common law
- Negligence common law
- Negligent Infliction of Emotional Distress (if there is physical harm) common law
- Intentional Infliction of Emotional Distress common law

**Often Associated Statutes**

<table>
<thead>
<tr>
<th>Statute</th>
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<tbody>
<tr>
<td>Application to Victims’ Compensation Fund</td>
</tr>
<tr>
<td>Protective custody of mentally ill person</td>
</tr>
</tbody>
</table>

In addition to the remedies listed above, consider the following when abuse occurs in regulated facilities/community programs:

- Falsifying private records (Class E) 17-A M.R.S.A. § 707
- Falsifying physical evidence (Class D) 17-A M.R.S.A. § 455
Withholding essential needs from a dependent adult for whom they have assumed responsibility.

**Intentional**: refuses to take dependent adult to seek medical care, not allowing social contact with others, willfully withholds food, water, clothing, shelter, hygiene, medical treatment, medication and assistive devices.

**Unintentional**: ignorance or genuine inability to provide care.

**Self-Neglect**: inability to perform tasks essential to caring for oneself due to physical and/or mental impairment.

**Abandonment**: desertion of a vulnerable adult by anyone who has assumed responsibility for their care.

**POTENTIAL CRIMINAL JUSTICE ACTIONS: NEGLECT**

(Statutes under which law enforcement may arrest and/or prosecutors may charge)

**Directly Associated Statutes**

- Endangering welfare of dependent person (Class D) 17-A M.R.S.A. § 555
- Failure to report to APS (civil violation; $500 fine) 22 M.R.S.A. §§ 3475, 3477
- Nonsupport of dependents (Class E) 17-A M.R.S.A. § 552
- Spiritual healing permitted 17-A M.R.S.A. § 557
- Reckless conduct (Class D) 17-A M.R.S.A. § 211
- Stealing drugs (Class C or D) 17-A M.R.S.A. § 1109
- Aggravated reckless conduct (Class B) 17-A M.R.S.A. § 213
- Manslaughter (Class A) 17-A M.R.S.A. § 203
- Murder 17-A M.R.S.A. § 201
Often Associated Statutes

Unsworn falsification (Class D) 17-A M.R.S.A. § 453
Unlawfully furnishing scheduled drugs (Class C or D) 17-A M.R.S.A. § 1106
Acquiring drugs by deception (Class C or D) 17-A M.R.S.A. § 1108
Unlawful trafficking in scheduled drugs (Class B-D) 17-A M.R.S.A. § 1103
Tampering with a witness, informant, juror or victim (Class A-C) 17-A M.R.S.A. § 454

Often Associated Statutes

Protective custody of mentally ill person 34-B M.R.S.A. § 3862
Wrongful Death 18-A M.R.S.A. § 2-804

In addition to the remedies listed above, consider the following when abuse occurs in regulated facilities/community programs:

Falsifying private records (Class E) 17-A M.R.S.A. § 707
Falsifying physical evidence (Class D) 17-A M.R.S.A. § 455

**POTENTIAL CIVIL ACTIONS: NEGLECT**

(Actions that may be brought by an individual, a private attorney, or the state attorney general on behalf of the victim or for offender accountability)

Directly Associated Statutes

Protection from abuse order 19-A M.R.S.A. § 4002 (1) (D)
NB: Relief may include remedies 19-A M.R.S.A. § 4007(1) (I), (K), (M) for financial losses suffered as a direct result of the abuse.

Protection from harassment order 5 M.R.S.A. § 4651
NB: Relief may include remedies 5 M.R.S.A. § 4655(1) (D), (F) for financial losses suffered as a direct result of the harassment.

Failure to report to APS (civil violation; $500 fine) 22 M.R.S.A. §§ 3475, 3477

Guardianship 18-A M.R.S.A. §§ 5-301-5-313
NB: Availability of limited guardianship 18-A M.R.S.A. § 5-105
Conservatorship 18-A M.R.S.A. §§ 5-401-5-432
NB: Termination of Conservatorship 18-A M.R.S.A. § 5-430

In addition to the remedies listed above, consider the following when abuse occurs in regulated facilities/community programs:

- Negligent Hiring or Retention common law
- Complaint with professional licensing board See Section III
- Respondeat Superior common law
- Negligence common law
- Breach of contract common law
FINANCIAL EXPLOITATION

Financial exploitation occurs when the abuser improperly uses the victim’s resources for his or her own profit or advantage. This may include transfers of cash, property or real estate, preventing or forcing the signing of a will, power of attorney or other legal document, diverting mail and payments of social security or other income sources, forgery and/or grossly overcharging for rent or services. This often occurs after the abuser has established a personal relationship with the victim for the purpose of facilitating this offense.

POTENTIAL CRIMINAL JUSTICE ACTIONS: FINANCIAL EXPLOITATION

(Statutes under which law enforcement may arrest and/or prosecutors may charge)

Directly Associated Statutes

<table>
<thead>
<tr>
<th>Statute Description</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Suppressing recordable instrument (Class E)</td>
<td>17-A M.R.S.A. § 706</td>
</tr>
<tr>
<td>Deceptive business practices (Class D)</td>
<td>17-A M.R.S.A. § 901</td>
</tr>
<tr>
<td>Deceptive insurance practices (Class D)</td>
<td>17-A M.R.S.A. § 901-A</td>
</tr>
<tr>
<td>Misuse of entrusted property (Class D)</td>
<td>17-A M.R.S.A. § 903</td>
</tr>
<tr>
<td>Misuse of identification (Class D)</td>
<td>17-A M.R.S.A. § 905-A</td>
</tr>
<tr>
<td>Reckless conduct (Class D)</td>
<td>17-A M.R.S.A. § 211</td>
</tr>
<tr>
<td>Unauthorized use of property (Class C or D)</td>
<td>17-A M.R.S.A. § 360</td>
</tr>
<tr>
<td>Acquiring drugs by deception (Class C or D)</td>
<td>17-A M.R.S.A. § 1108</td>
</tr>
<tr>
<td>Stealing drugs (Class C or D)</td>
<td>17-A M.R.S.A. § 1109</td>
</tr>
<tr>
<td>Maine Uniform Securities Act: Criminal Penalties (Class C)</td>
<td>32 M.R.S.A. § 16508</td>
</tr>
<tr>
<td>Theft by extortion (Class C)</td>
<td>17-A M.R.S.A. § 355</td>
</tr>
<tr>
<td>Theft by unauthorized taking or transfer (Class B-E)</td>
<td>17-A M.R.S.A. § 353</td>
</tr>
<tr>
<td>Theft by deception (Class B-E)</td>
<td>17-A M.R.S.A. § 354</td>
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</tbody>
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In addition to the remedies listed above, consider the following when abuse occurs in regulated facilities/community programs:

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<td>17-A M.R.S.A. § 707</td>
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<tr>
<td>Falsifying physical evidence (Class D)</td>
<td>17-A M.R.S.A. § 455</td>
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</table>

Often Associated Statutes

<table>
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<th>Statute Description</th>
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<td>17A-M.R.S.A. § 555</td>
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<tr>
<td>Failure to report to APS (civil violation; $500 fine)</td>
<td>22 M.R.S.A. §§ 3475, 3477</td>
</tr>
<tr>
<td>Unsworn falsification (Class D)</td>
<td>17-A M.R.S.A. § 453</td>
</tr>
<tr>
<td>Defrauding a creditor (Class D)</td>
<td>17-A M.R.S.A. § 902</td>
</tr>
<tr>
<td>Unlawful trafficking in scheduled drugs (Class B-D)</td>
<td>17-A M.R.S.A. § 1103</td>
</tr>
<tr>
<td>Forgery (Class B-D)</td>
<td>17-A M.R.S.A. § 703</td>
</tr>
<tr>
<td>Aggravated forgery (Class B)</td>
<td>17-A M.R.S.A. § 702</td>
</tr>
<tr>
<td>Tampering with a witness or victim (Class A-C)</td>
<td>17-A M.R.S.A. § 454</td>
</tr>
<tr>
<td>Federal Mail Tampering or Tax Fraud See Section III &amp; IV</td>
<td></td>
</tr>
</tbody>
</table>

POTENTIAL CIVIL ACTIONS: FINANCIAL EXPLOITATION

(Actions that may be brought by an individual, a private attorney, and/or the state attorney general on behalf of the victim or for offender accountability)

<table>
<thead>
<tr>
<th>Statute Description</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Protection from abuse order</td>
<td>19-A M.R.S.A. § 4022(1)(C)</td>
</tr>
<tr>
<td>NB: Relief may include remedies</td>
<td>19-A M.R.S.A. § 4022(1), (I), (K), (M)</td>
</tr>
<tr>
<td>for financial losses suffered as a direct result of the abuse.</td>
<td></td>
</tr>
<tr>
<td>Protection from harassment order</td>
<td>5 § M.R.S.A. 4651</td>
</tr>
<tr>
<td>NB: Relief may include remedies</td>
<td>5 M.R.S.A. § 4655(1), (D), (F)</td>
</tr>
<tr>
<td>for financial losses suffered as a direct result of the harassment.</td>
<td></td>
</tr>
</tbody>
</table>
Failure to report to APS  (civil violation; $500 fine)  22 M.R.S.A. §§ 3475, 3477
Petition for conservatorship  of incapacitated person  18-A M.R.S.A. § 5-401
Demand to review inventory and records  of conservator  18-A M.R.S.A. § 5-418
Demand for accounting by conservator  18-A M.R.S.A. § 5-419
Petition for removal of conservator  18-A M.R.S.A. §5-415
Petition to modify conservator  18-A M.R.S.A. § 5-426
Petition for termination of conservator  18-A M.R.S.A. § 5-430
Void transactions with conflicted conservator  18-A M.R.S.A. § 5-422
Durable financial power of attorney  18-A M.R.S.A. § 5-508
Revocation of financial power of attorney  18-A M.R.S.A. § 5-504
Fiduciary duties of trustee  18-A M.R.S.A. § 7-703
Improvident Transfers of Title  33 M.R.S.A. § 1021
Reformation and/or Declaratory Judgment  14 M.R.S.A. § 5954
(e.g., deed, mortgage, covenant, easement, will, contract)
Unjust Enrichment common law
Equitable Accounting common law
Constructive Trust common law
Breach of Contract common law
Negligence/Breach of fiduciary duty common law
Actual or Constructive Fraud common law
Conversion common law
Abuse of Confidential Relationship common law
Undue Influence common law

In addition to the remedies listed above, consider the following when abuse occurs in regulated facilities/community programs:

- Negligent Hiring or Retention common law
- Complaint with professional licensing board
- Respondeat Superior common law
- Negligence  common law

SECTION III:
REFERRAL AND RESOURCES
To Aid Investigations and Assist
Older Victims and Vulnerable Adults
Licensing and Regulatory Services
(Department of Health and Human Services)
800-791-4080 (Administrative Business Hours)
800-606-0215 (TTY/TDD)
www.maine.gov/dhhs/dlrs
800-452-1999 (24/7 Emergency Number to Report Abuse will route you to Adult Protective Services after hours)

800-621-8222 (Home Health Hotline-Business Hours)

800-383-2441 (Medical, Nursing, and Residential Care Facilities, C.N.A. Registry, and Customer Support-Business Hours)

The mission of the Division of Licensing and Regulatory Services is to support access to quality and effective health care and social services for Maine citizens by developing and applying regulatory standards that help people have safe and appropriate outcomes.

The Division is responsible for licensing medical and long term care facilities, assisted living, residential care, Private Non-Medical Institutions, mental health service providers, substance abuse agencies, and programs and services to children. The Division is also responsible for regulation of health care facilities and providers under the Certificate of Need Act, the Hospital Cooperation Act and laws pertaining to Continuing Care Retirement Communities.

To report abuse or neglect in a health care facility, medical facility, child care facility, or residential care facility call the:

Medical, Nursing, and Residential Care Facilities, C.N.A. Registry, and Customer Support Line
800-383-2441
Monday-Friday 8:00am-5:00pm
If you call after hours you will be asked to leave a voice message.

ABUSE AND NEGLECT – REPORTING (24 HRS)

Adult Protective Services—Office of Elder Services
(Department of Health and Human Services)
800-624-8404 (Nationwide, 24 Hours, Toll Free)
800-606-0215 (TTY, Statewide, 24 Hours, Toll Free)
www.maine.gov/dhhs/oes

Please see pg 61 for contacts by district office.

Provides and arranges for services to protect incapacitated and dependent adults (age 18 and over) in danger of abuse, neglect or exploitation.

Adults With Cognitive and Physical Disabilities
(Department of Health and Human Services)
207-287-4242 (Business hours)
888-568-112 (After hours)
800-606-0215 (TTY 24 hours)
www.maine.gov/dhhs/oacpds

Provides leadership and is an active partner in Maine’s comprehensive system of support to individuals with mental retardation and autism.

Domestic Violence (Statewide Hotline)
866-834-4357

Please see pg 51 for statewide coalition and pg 62 for contacts by county.

Sexual Assault (Statewide Hotline)
800-871-7741
888-458-5599 (TTY)

Please see pg 59 for statewide coalition and page 64 for contacts by county.
**Office of the Attorney General—**
**Health Care Crimes Unit and Elder Abuse Investigator**
207-626-8870
207-626-8865 (TTY)
www.maine.gov/ag

The Unit investigates and prosecutes fraud by Medicaid or Medicare providers and complaints of physical abuse, neglect and theft of drugs or resident funds in health care facilities or by caregivers covered under the State’s Medicaid grant.

**Elder Abuse Investigator: Detective Seth Blodgett**
207-626-8531
207-626-8865 (TTY)

Det. Blodgett is the lead elder abuse investigator for the state. He provides assistance to law enforcement, adult protective services and prosecutors on all types of elder abuse cases regardless of its connection to Medicaid or Medicare. Det. Blodgett has additional expertise in cases of financial exploitation.

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**ALCOHOL AND OTHER DRUG ABUSE SERVICES**

**Office of Substance Abuse**
(Department of Health and Human Services)
207-287-2595
800-606-0215 (TTY)
www.maine.gov/dhhs/osa/

The Maine Office of Substance Abuse is the single state administrative authority responsible for the planning, development, implementation, regulation, and evaluation of substance abuse services.

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**DISABILITIES**

**Adults With Cognitive and Physical Disabilities**
(Department of Health and Human Services)
207-287-4265
800-606-0215 (TTY)
www.maine.gov/dhhs/OACPDS/DS/

Provides leadership and is an active partner in Maine’s comprehensive system of support to individuals with mental retardation and autism.

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**DOMESTIC AND FAMILY ABUSE**

**Maine Coalition to End Domestic Violence**
207-430-8334 (Administrative Line)
866-834-4357 (24/7 Hotline see page 62 for contacts by county)
www.mcedv.org

The Maine Coalition to End Domestic Violence (MCEDV) is organized to create and encourage a social, political, and economic environment in which domestic violence no longer exists, and to ensure that all people affected by domestic abuse and violence are supported and that batterers are held accountable. MCEDV mobilizes and coordinates community action through a statewide network of domestic violence projects. Through these partnerships, we focus our resources on public policy, education, and systems advocacy.

Maine’s nine domestic violence services programs provide the following:
- 24-Hour Hotline/Helpline
- Individual Advocacy
- Emergency Shelter
- Transitional Housing Services
- Support Groups
- Legal Advocacy
Services include grocery shopping, laundry and errands, light house cleaning, household management, emotional support, parenting skills, and occasional respite care.

Locations include: Augusta, Auburn, Calais, Caribou, and Portland.

**ELDER SUPPORT SERVICES**

**Office of Elder Services**  
(Department of Health and Human Services)  
207-287-9200  
800-262-2232  
800-606-0215 (TTY)  
www.maine.gov/dhhs/oes

The Office of Elder Services promotes programs and services for older adults, their families and for people with disabilities. This state office provides resources for both professionals and consumers.

**Maine’s Area Agencies on Aging**  
207-626-0972  
www.maine4a.com

The five non-profit organizations serve as a central resource for elder information and assistance. Services offered by each agency vary. They may include Meals on Wheels, financial management, in-home caregiver services, family caregiver assistance, or Medicare/Health Insurance assistance. (See page 66 for contact information by county.)

**Catholic Charities of Maine—**  
**Home and Family Services**  
800-781-8550  
www.ccmaine.org

Provides homemaking services to allow elderly clients, disabled individuals, and families in crisis to remain in their homes. Also helps families needing support with parenting skills and child rearing.

**FINANCIAL SERVICES**  
**TO AID INVESTIGATIONS**

**Internal Revenue Service**  
800-829-0433  
www.irs.gov

If you suspect or know of an individual or company that is not complying with the tax laws, report this activity. Reports of suspected tax fraud can be made by phone, mail or your local IRS walk-in office.

**Social Security**  
800-772-1213  
www.ssa.gov

**Office of Securities**  
(Department of Professional and Financial Regulation)  
877-624-8551  
888-577-6690 (TTY)  
www.maine.gov/pfr/securities/

The Office of Securities protects Maine investors by investigating and prosecuting violations of the securities laws; licensing broker-dealers, agents, investment advisers, and investment adviser representatives; and reviewing registration statements and exemption filings for securities issuers that are seeking to sell in Maine. The Office offers consumers and the general public a toll-free telephone number (877-624-8551) to call to check on the licensure and disciplinary history of any person or firm offering securities for sale in Maine, and any other
question related to the registration status of an investment. The Office works with the Maine Bureau of Insurance to assist investors with questions or complaints concerning the purchase of variable or equity indexed annuities.

Bureau of Insurance  
(Department of Professional and Financial Regulation)  
800-300-5000  
888-577-6690 (TTY)  
www.maine.gov/pfr/insurance

The mission of the Bureau of Insurance is to regulate the insurance industry for solvency and consumer protection. The Bureau has statutory authority to enforce the State’s insurance laws and rules and it initiates investigations and holds hearings concerning possible violations.

IMMIGRANT AND MULTICULTURAL RESOURCES

Office of Immigrant and Multicultural Services  
(Department of Health and Human Services)  
207-537-0232  
207-287-4240  
866-241-8639 (TTY)

The primary role of the Office of Multicultural Affairs is to function as a resource to all state agencies and to all communities served to improve services to minority and multicultural populations in the state of Maine.

Interpreting Services and Referral Agencies (List of contacts)  
www.maine.gov/dhhs/oma/MulticulturalResource/interpreting.html

Domestic Violence Pictorial Interview Booklet for working with victims of domestic violence.  
www.maine.gov/dhhs/oma/MulticulturalResource/DV/

Catholic Charities: Elder Refugee Services  
207-523-2793  
www.ccmaine.org

Help refugees, aged sixty and older, gain access to services in the community that meet their needs in a way that is supportive of their overall well-being.

Tribal and Somali Communities  
Organizations listed below provide elder services, domestic violence and sexual assault services.

Aroostook Band of Micmac, Family Support Services  
207-764-1972 or 800-750-1435  
www.micmac-nsn.gov

Maliseet Domestic Violence and Sexual Assault Program  
207-532-3000  
207-532-6401 (Hotline)  
www.maliseets.com/domestic_violence.htm

Passamaquoddy Peaceful Relations  
207-853-2600 ext. 266  
877-853-2613 (Hotline)  
www.tinyurl.com/wabanaki
Penobscot Nation Domestic Violence and Sexual Assault Services
207-817-7469
207-631-4886 (Hotline)
www.penobscotnation.org

Somali Community
United Somali Women of Maine
207-753-0061

GUARDIANSHIP/CONSERVATOR

Adult Protective Services—Office of Elder Services
(Department of Health and Human Services)
800-624-8404 (Nationwide, 24 Hours, Toll Free)
800-606-0215 (TTY, Statewide, 24 Hours, Toll Free)
www.maine.gov/dhhs/guardianship

Guardianship and conservatorship are intended to protect and provide continuing care for individuals who are unable to make or communicate responsible decisions for themselves. However, it is important to remember that obtaining guardianship or conservatorship is a very serious step to take because both significantly restrict a person’s individual rights and freedoms. They should be considered only after all other alternatives have been explored. The decision as to whether a guardian or conservator is necessary will be made by a Probate Court.

LEGAL SERVICES

Legal Services for the Elderly (LSE)
800-750-5353 (Helpline)
207-621-0087 (Administrative)
www.mainelse.org

LSE provides persons age 60 and over with free legal advice regarding health care, health insurance, Medicare (including Part D), MaineCare (Medicaid), Social Security and other public benefits, pension and retirement benefits, powers of attorney, consumer matters including creditor and bankruptcy problems, physical and financial abuse, guardianship defense and other issues.

HEARING AND VISION IMPAIRED SERVICES

Bureau of Rehabilitation Services
(Department of Health and Human Services)
Division of Deafness
207-623-7958 (Administrative)
888-755-0023 (TTY)
www.maine.gov/rehab/dod

Provides a variety of services that include advocacy and referral for Deaf, Hard-of-Hearing and Late-Deafened citizens of Maine.

Bureau of Rehabilitation Services
(Department of Health and Human Services)
Division for the Blind and Visually Impaired
800-698-4440
800-755-0023 (TTY)
www.maine.gov/rehab/dbvi

Provides comprehensive services that include: vocational rehabilitation, independent living, financial services, real estate tax exemption, I.D. cards, library services, and education services for children.
INDEPENDENT LIVING SERVICES

Alpha One
800-640-7200
www.alpha-one.org

These services may include: Adaptive Equipment Loan Program; Independent Living Skills Instruction; Adapted Driver Evaluation and Training; Adaptive and Mobility Equipment (high and low tech) and Selection (trial rentals); Adapted Transportation; Access Design Consultation; Information and Referral; and Personal Care Attendant (PCA) Services for adults who want to manage their own services.

SEXUAL ABUSE

Maine Coalition Against Sexual Assault
207-626-0034 (Administrative)
800-871-7741 (24/7 Hotline)
888-458-5599 (TTY 24/7 Hotline)
www.mecasa.org

Please see page 64 for Sexual Assault Support Centers by county.

The Maine Coalition Against Sexual Assault (MECASA) is organized to end sexual violence and ensure there is ongoing support and services for victims and survivors. MECASA’s work include: public policy, statewide training, public awareness and prevention and support for Maine’s Sexual Assault Support Centers.

Maine’s nine sexual assault support centers provide the following:

- 24-hour statewide sexual assault crisis and support line;
- Support groups;
- Crisis intervention and information;
- Support and advocacy for victim/survivors of sexual assault and their families;
- Advocacy for victim/survivors who choose to seek medical assistance.
attention, report to the police, or go through the criminal justice system;
- Referrals to mental health professionals; and
- Community and professional education programs for all ages.

### TRANSPORTATION

Buses, vans, or individual drivers can help older adults get to doctors’ offices, clinics and pharmacies in most areas of the state. Advance notice is required for some of these arrangements. For information, contact the local Area Agency on Aging (next section).

Comprehensive contact list of regional transportation options: www.maine.gov/dhhs/oes/resource/addresses.htm#transportation

<table>
<thead>
<tr>
<th>Office</th>
<th>Main Phone</th>
<th>TTY Phone</th>
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<tbody>
<tr>
<td>Biddeford Office</td>
<td>800-322-1919</td>
<td>800-606-0215</td>
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<tr>
<td>Portland Office</td>
<td>800-482-7520</td>
<td>800-606-0215</td>
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<tr>
<td>Lewiston</td>
<td>800-482-7517</td>
<td>800-606-0215</td>
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<tr>
<td>Augusta</td>
<td>800-452-1926</td>
<td>800-606-0215</td>
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<tr>
<td>Rockland</td>
<td>800-432-7802</td>
<td>800-606-0215</td>
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<tr>
<td>Bangor</td>
<td>800-432-7825</td>
<td>800-606-0215</td>
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<tr>
<td>Ellsworth</td>
<td>800-432-7823</td>
<td>800-606-0215</td>
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<tr>
<td>Machias</td>
<td>800-432-7846</td>
<td>800-606-0215</td>
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<tr>
<td>Calais</td>
<td>800-622-1400</td>
<td>800-606-0215</td>
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<tr>
<td>Houlton</td>
<td>800-432-7338</td>
<td>800-606-0215</td>
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<tr>
<td>Caribou</td>
<td>800-432-7366</td>
<td>800-606-0215</td>
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<tr>
<td>Fort Kent</td>
<td>800-432-7340</td>
<td>800-606-0215</td>
</tr>
</tbody>
</table>
DOMESTIC VIOLENCE SERVICES BY COUNTY

STATEWIDE DOMESTIC VIOLENCE 24/7 HOTLINE:
866-834-4357
(H=Hotline and A=Administrative Offices)

Androscoggin
Abused Women’s Advocacy Project
www.awap.org
800-559-2927 (H)
207-795-6744 (A)

Aroostook
Aroostook Band of Micmacs Family Support Services
800-439-2323 (H)
207-764-1972 (A)

Hope and Justice Project, Inc. (Formerly Battered Women’s Project)
www.hopeandjusticeproject.org
800-439-2323 (H)
207-764-2977 (A)

Cumberland
Family Crisis Services
www.familycrisis.org
800-537-6066 (H)
207-767-4952 (A)

Franklin
Abused Women’s Advocacy Project
www.awap.org
800-559-2927 (H)
207-795-6744 (A)

Hancock
The Next Step
www.nextstepdvproject.org
800-315-5579 (H)
207-667-0176 (A)

Kennebec
Family Violence Project
www.familyviolenceproject.org
877-890-7788 (H)
207-623-8637 (A)

Knox
New Hope for Women
www.newhopeforwomen.org
800-522-3304 (H)
207-594-2128 (A)

Lincoln
New Hope for Women
www.newhopeforwomen.org
800-522-3304 (H)
207-563-2404 (A)

Oxford
Abused Women’s Advocacy Project
www.awap.org
800-559-2927 (H)
207-795-6744 (A)

Penobscot
Penobscot Nation, Domestic Violence and Sexual Assault Services
www.penobscotnation.org
207-631-4886 (H)
207-817-7469 (A)

Spruce Run
www.sprucerun.net
800-863-9909 (H)
207-945-5102 (A)

Piscataquis
WomanCare
www.wmncare.org
888-564-8165 (H)
207-564-8165 (A)

Sagadahoc
Family Crisis Services
www.familycrisis.org
800-537-6066 (H)
207-767-4952 (A)

Somerset
Family Violence Project
www.familyviolenceproject.org
877-890-7788 (H)
207-623-8637 (A)

Waldo
New Hope for Women
www.newhopeforwomen.org
800-522-3304 (H)
207-338-6569 (A)

Washington
Passamaquoddy Peaceful Relations
Domestic Violence Program
www.tinyurl.com/wabanaki
207-853-2613 (H)
207-853-0644 (A)

The Next Step
www.nextstepdvproject.org
888-604-8692 (H)
207-255-4934 (A)

York
Caring Unlimited
www.caring-unlimited.org
800-239-7298 (H)
207-490-3227 (A)
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<tr>
<th>County</th>
<th>Organization</th>
<th>Website</th>
<th>Hotline Numbers</th>
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<tbody>
<tr>
<td>Androscoggin</td>
<td>Sexual Assault Crisis Center</td>
<td><a href="http://www.sexualassaultcrisiscenter.org">www.sexualassaultcrisiscenter.org</a></td>
<td>207-784-5272 (A)</td>
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<tr>
<td></td>
<td>United Somali Women of Maine</td>
<td><a href="http://www.uswofmaine.org">www.uswofmaine.org</a></td>
<td>207-753-0061 (A)</td>
</tr>
<tr>
<td>Aroostook</td>
<td>AMHC Sexual Assault Services</td>
<td><a href="http://www.amhc.org">www.amhc.org</a></td>
<td>207-498-6431 (A)</td>
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<td></td>
<td>Maliseet Domestic Violence and Sexual Assault Program</td>
<td><a href="http://www.maliseets.com/domestic_violence.htm">www.maliseets.com/domestic_violence.htm</a></td>
<td>207-532-6401 (H) 207-532-3000 (A)</td>
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<tr>
<td>Cumberland</td>
<td>Sexual Assault Response Services of Southern Maine</td>
<td><a href="http://www.sarsonline.org">www.sarsonline.org</a></td>
<td>207-828-1035 (A)</td>
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<td></td>
<td>United Somali Women of Maine</td>
<td><a href="http://www.uswofmaine.org">www.uswofmaine.org</a></td>
<td>207-753-0061 (A)</td>
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<tr>
<td>Eastern Cumberland</td>
<td>Sexual Assault Support Services of Midcoast Maine</td>
<td><a href="http://www.sassmm.org">www.sassmm.org</a></td>
<td>207-725-2181 (A)</td>
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<tr>
<td>Franklin</td>
<td>Sexual Assault Victims Emergency Services (SAVES)</td>
<td><a href="http://www.savesrapecrisis.org">www.savesrapecrisis.org</a></td>
<td>207-778-9522 (A)</td>
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<td>Hancock</td>
<td>Downeast Sexual Assault Services</td>
<td><a href="http://www.downeasthealth.org/sex_assault.html">www.downeasthealth.org/sex_assault.html</a></td>
<td>800-492-5550 (A)</td>
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<tr>
<td>Kennebec</td>
<td>Sexual Assault Crisis and Support Center</td>
<td><a href="http://www.silentnomore.org">www.silentnomore.org</a></td>
<td>207-377-1010 (A)</td>
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<tr>
<td>Knox</td>
<td>Sexual Assault Crisis and Support Center</td>
<td><a href="http://www.silentnomore.org">www.silentnomore.org</a></td>
<td>207-377-1010 (A)</td>
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<td>Lincoln</td>
<td>Sexual Assault Support Services of Midcoast Maine</td>
<td><a href="http://www.sassmm.org">www.sassmm.org</a></td>
<td>207-725-2181 (A)</td>
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<tr>
<td>Oxford</td>
<td>Rape Education and Crisis Hotline (REACH)</td>
<td><a href="http://www.reachmaine.org">www.reachmaine.org</a></td>
<td>207-743-9777 (A)</td>
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<tr>
<td>Penobscot</td>
<td>Penobscot Nation, Domestic Violence and Sexual Assault Services</td>
<td><a href="http://www.downeasthealth.org/sex_assault.html">www.downeasthealth.org/sex_assault.html</a></td>
<td>207-631-4886 (H) 207-817-7469 (A)</td>
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<td>Rape Response Services</td>
<td><a href="http://www.rrsonline.org">www.rrsonline.org</a></td>
<td>207-973-3651 (A)</td>
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<td>Piscataquis</td>
<td>Rape Response Services</td>
<td><a href="http://www.rrsonline.org">www.rrsonline.org</a></td>
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<td>Sagadahoc</td>
<td>Sexual Assault Support Services of Midcoast Maine</td>
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<td>207-725-2181 (A)</td>
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<td>Somerset</td>
<td>Sexual Assault Crisis and Support Center</td>
<td><a href="http://www.silentnomore.org">www.silentnomore.org</a></td>
<td>207-377-1010 (A)</td>
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<td>Waldo</td>
<td>Sexual Assault Crisis &amp; Support Center</td>
<td><a href="http://www.silentnomore.org">www.silentnomore.org</a></td>
<td>207 377-1010 (A)</td>
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<td>Washington</td>
<td>Downeast Sexual Assault Services</td>
<td><a href="http://www.downeasthealth.org/sex_assault.html">www.downeasthealth.org/sex_assault.html</a></td>
<td>800-492-5550 (A)</td>
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<td>Passamaquaddy Peaceful Relations</td>
<td><a href="http://www.tinyurl.com/wabanaki">www.tinyurl.com/wabanaki</a></td>
<td>877-853-2613 (H) 207-853-2600 ext. 266 (A)</td>
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<td>York</td>
<td>Sexual Assault Response Services of Southern Maine</td>
<td><a href="http://www.sarsonline.org">www.sarsonline.org</a></td>
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<td>Androscoggin Seniors Plus</td>
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Emergency: 911

**Elder Abuse and Neglect Reporting (24 Hours)**
Adult Protective Services
Department of Health and Human Services
800-624-8404

**Elder Abuse and Neglect Reporting for Persons with Cognitive and Physical Disabilities (24 Hours)**
Mental Health Crisis Services
Department of Health and Human Services
888-568-1112

**Alcohol and Other Drug Abuse Services (24 Hours)**
Mental Health Crisis Services
Department of Health and Human Services
888-568-1112

**Counseling and/or Mental Health (24 Hours)**
Mental Health Crisis Services
Department of Health and Human Services
888-568-1112

**Domestic and Family Violence (24 Hours)**
Statewide Hotline
866-834-4357

**Sexual Violence (24 Hours)**
Statewide Hotline
800-871-7741
888-458-5599 (TTY)

To order additional hard copies please contact the Maine Coalition Against Sexual Assault:
207-626.0034 or email: info@elderjusticepartners.org
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