28 April 2017

The 128th Legislature of the State of Maine
State House
Augusta, ME

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 135, “An Act To Authorize the Department of Health and Human Services To Disclose Information to the Personal Representative of the Estate of an Incapacitated or Dependent Adult Who Dies While under Public Guardianship or Public Conservatorship.”

Current law allows the Department of Health and Human Services (DHHS) to release information in its records regarding adult protective activities to certain individuals who have a direct interest in or reason for having the information, such as a physician who suspects abuse or a member of a panel convened by DHHS or the Attorney General to investigate elder abuse.

This bill would add personal representatives of the estate of a deceased individual who was under public guardianship or conservatorship to that list without any cause or justification for such a representative to obtain this confidential information. Granting DHHS this unnecessary discretion could result in the sharing of information about elder-abuse investigations with the very subjects of those investigations.

Under current law, DHHS may already share the information in question with a court’s approval. Passing a new law because past litigants may not have liked a court’s decision would be reactionary and result in potentially bad decisions in the future.

For these reasons, I return LD 135 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

Paul R. LePage
Governor