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 1676, "An Act Expanding the Authority of the Maine Elder Death Analysis Review Team To Investigate Deaths and Serious Injuries of Persons with Intellectual Disabilities or Autism."

DHHS welcomes oversight that will improve our system of care and prevent any possible death or serious injury, but this bill does not achieve that goal. Instead, it invests significant resources into the Office of the Attorney General, in a duplicative manner, and is ultimately not an efficient use of our limited resources.

The bill creates three positions within the Office of the Attorney General: one Attorney General Detective, one Assistant Attorney General, and one Paralegal. In addition, the bill would add the director of the Office of Aging and Disability Services to the membership of MEDART.

At present, MEDART examines deaths and serious injuries associated with suspected abuse or neglect of elderly adults and vulnerable adults. This bill would charge the Office of the Attorney General with preliminary examination of all deaths and serious injuries of persons with intellectual disabilities or autism receiving adult developmental services, and select cases would be referred to the full membership of MEDART for further review.

At present, Maine regulation requires that providers immediately report the deaths of adults with intellectual disabilities or autism to DHHS. When this occurs, the report is referred to Adult Protective Services for review and investigation as necessary. DHHS OADS staff meet with providers on a quarterly basis to review Reportable Events, including deaths. The Mortality Review Committee at the Office of Aging and Disability Services analyzes aggregate data related to the deaths of Individuals Receiving Services to identify patterns and trends and make recommendations to improve care based on trend analysis.

As described above, current policies and statutes require that deaths be reviewed by both DHHS and MEDART, which is already under the auspices of the Office of the Attorney General. Expanding the Office of the Attorney General to investigate deaths that are already investigated by DHHS and often law enforcement is unnecessary and duplicative.

For this reason, I return LD 1676 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

Paul R. LePage
Governor