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An Act To Facilitate Reporting by Maine Financial Institutions of Elder Financial Exploitation

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

Sec. 1. 9-B MRSA §162, sub-§3, as amended by PL 2001, c. 211, §1 and PL 2003, c. 689, Pt. B, §6, is further amended to read:

3. Disclosure in response to a request by the Department of Health and Human Services. The financial records are disclosed in response to a request for information by the Department of Health and Human Services for purposes related to establishing, modifying or enforcing a child support order; or

Sec. 2. 9-B MRSA §162, sub-§4, as enacted by PL 2001, c. 211, §2, is further amended to read:

4. Disclosure in response to a request by the Department of Labor. The financial records are disclosed in response to a notice of levy issued by the Department of Labor pursuant to Title 26, section 1233.; or

Sec. 3. 9-B MRSA §162, sub-§5 is enacted to read:

5. Disclosure to the Department of Health and Human Services upon suspicion of exploitation. The financial records are disclosed to the Department of Health and Human Services because a disclosing financial institution, an affiliate of a disclosing financial institution, a disclosing credit union or an affiliate of a disclosing credit union authorized to do business in this State has reasonable cause to suspect that an incapacitated or dependent adult has been or is at substantial risk of abuse, neglect or exploitation.

Sec. 4. 9-B MRSA §164, sub-§3 is enacted to read:

3. Immunity. A financial institution authorized to do business in the State or its affiliate or a credit union authorized to do business in the State or its affiliate that in good faith discloses financial records to the Department of Health and Human Services pursuant to section 162, subsection 5 is immune from civil or criminal liability that might otherwise arise from the disclosure. In a proceeding regarding immunity from liability, there is a rebuttable presumption of good faith.

SUMMARY

This bill establishes that financial institutions and credit unions are permitted to disclose financial records to the Department of Health and Human Services when the financial institution or credit union has reasonable cause to suspect that an incapacitated or dependent adult has been or is at substantial risk of abuse, neglect or exploitation, and it provides immunity for the good faith disclosure of financial records for this purpose.