

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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 financial exploitation. The financial records are disclosed to the Department of Health and Human Services pursuant to Title 22, section 3479 because a financial institution authorized to do business in this State or its affiliate or a credit union authorized to do business in this State or its affiliate 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.

Effective September 20, 2007