

§3472. Definitions

As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings. [PL 1981, c. 527, §2 (NEW).]

1. Abuse. "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 sexual exploitation; financial exploitation; or the intentional, knowing or reckless deprivation of essential needs. "Abuse" includes acts and omissions.
[PL 2015, c. 306, §4 (AMD).]

2. Adult. "Adult" means any person who has attained 18 years of age or who is a legally emancipated minor.
[PL 2003, c. 653, §2 (AMD).]

2-A. Bureau.
[PL 2011, c. 657, Pt. BB, §3 (RP).]

3. Caretaker. "Caretaker" means any individual or institution who has or assumes the responsibility for the care of an adult.
[PL 1981, c. 527, §2 (NEW).]

4. Commissioner. "Commissioner" means the Commissioner of Health and Human Services or a designated representative in the geographical area in which the person resides or is present.
[PL 2005, c. 397, Pt. A, §21 (AMD).]

5. Department.
[PL 2005, c. 397, Pt. A, §22 (RP).]

6. Dependent adult. "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:

A. A resident of a nursing home licensed or required to be licensed under section 1817; [PL 2003, c. 653, §2 (NEW).]

B. A resident of a facility providing assisted living services licensed or required to be licensed pursuant to section 7801; [PL 2011, c. 291, §1 (AMD).]

C. A person considered a dependent person under Title 17-A, section 555; or [PL 2011, c. 291, §1 (AMD).]

D. A person, regardless of where that person resides, who is wholly or partially dependent upon one or more other persons for care or support, either emotional or physical, because the person suffers from a significant limitation in mobility, vision, hearing or emotional or mental functioning.
[PL 2011, c. 291, §1 (NEW).]

[PL 2011, c. 291, §1 (AMD).]

7. Emergency. "Emergency" refers to a situation in which:

A. The incapacitated or dependent adult is in immediate risk of serious harm; [PL 1981, c. 527, §2 (NEW).]

B. The incapacitated or dependent adult is unable to consent to services that will diminish or eliminate the risk; and [PL 2003, c. 653, §2 (AMD).]

C. There is no person legally authorized to consent to emergency services. [PL 2003, c. 653, §2 (AMD).]

[PL 2003, c. 653, §2 (AMD).]

8. Emergency services. "Emergency services" refers to those services necessary to avoid serious harm.

[PL 2003, c. 653, §2 (AMD).]

9. Exploitation. "Exploitation" means the illegal or improper use of an incapacitated or dependent adult or that adult's resources for another's profit or advantage.

[PL 2003, c. 653, §2 (AMD).]

9-A. Financial exploitation. "Financial exploitation" means the use of deception, intimidation, undue influence, force or other unlawful means to obtain control over the property of a dependent adult for another's profit or advantage.

[PL 2015, c. 306, §5 (NEW).]

10. Incapacitated adult. "Incapacitated adult" means an adult who is unable to receive and evaluate information or make or communicate informed decisions to such an extent that the adult lacks the ability to meet essential requirements for physical health, safety or self-care, even with reasonably available appropriate technological assistance.

[PL 2017, c. 402, Pt. C, §52 (AMD); PL 2019, c. 417, Pt. B, §14 (AFF).]

11. Neglect. "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.

[PL 1983, c. 313, §2 (AMD).]

12. Protective services. "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-C, Article 5. [PL 2017, c. 402, Pt. C, §53 (AMD); PL 2019, c. 417, Pt. B, §14 (AFF).]

13. Serious harm. "Serious harm" means:

A. Serious physical injury or impairment; [PL 1989, c. 259, §3 (AMD).]

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; [PL 2003, c. 653, §2 (AMD).]

C. Sexual abuse or sexual exploitation; or [PL 2003, c. 653, §2 (AMD).]

D. Serious waste or dissipation of resources. [PL 2003, c. 653, §2 (NEW).]

[PL 2003, c. 653, §2 (AMD).]

14. Serious injury.

[PL 1989, c. 259, §4 (RP).]

15. Sexual abuse or sexual exploitation. "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.

[PL 2003, c. 653, §2 (AMD).]

16. Undue influence. "Undue influence" means the misuse of real or apparent authority or the use of manipulation by a person in a trusting, confidential or fiduciary relationship with a person who is a dependent adult or an incapacitated adult.

[PL 2015, c. 306, §6 (NEW).]

SECTION HISTORY

PL 1981, c. 493, §2 (AMD). PL 1981, c. 527, §2 (NEW). PL 1983, c. 313, §§1,2 (AMD). PL 1989, c. 259, §§1-5 (AMD). PL 1989, c. 329, §§3-5 (AMD). PL 1989, c. 858, §4 (AMD). RR 1995, c. 2, §41 (COR). PL 1995, c. 560, §K82 (AMD). PL 1995, c. 560, §K83 (AFF). PL 1995, c. 696, §A38 (AMD). PL 2001, c. 354, §3 (AMD). PL 2003, c. 653, §2 (AMD). PL 2003, c. 689, §B6 (REV). PL 2005, c. 397, §§A21,22 (AMD). PL 2011, c. 291, §1 (AMD). PL 2011, c. 657, Pt. BB, §3 (AMD). PL 2015, c. 306, §§4-6 (AMD). PL 2017, c. 402, Pt. C, §§52, 53 (AMD). PL 2017, c. 402, Pt. F, §1 (AFF). PL 2019, c. 417, Pt. B, §14 (AFF).

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