

Senior Citizens Advisory Commission

Meeting Minutes: December 16, 2014

Jordan Conference Room, 11:00 am

Attendees: Brett Seekins, William Marshall, Bruce Nelson, Barbara Page, Patricia Bredenberg, June O'Neill, Elizabeth Baillie

Visitor: Bob Raftice, Attorney with Ainsworth, Thelin, and Raftice

Staff: Matthew Sturgis

1. The meeting was called to order at 11:00 am.
2. Chair Seekins welcomed Mr. Raftice to the meeting. He gave a synopsis of the work performed thus far by the Commission.
  - a. Mr. Raftice described his firm and what services they provide. He introduced two print resources, Senior News and Senior Resource.
  - b. Mr. Raftice does a lot of trial work and also goes to a lot of nursing homes. He has a lot of interaction with seniors. He identified an elder as anyone over the age of 60.
  - c. Mr. Raftice emphasizes listening skills and direct approach to addressing situations. He has experienced clients who allow others to respond for them. He makes sure the client speaks for themselves and not allow others to speak for them. Mr. Raftice provided these observations.
  - d. The senior population is growing and is also in control of 75% of the financial resources out there. As a result, they find themselves open to abuse.
  - e. A high percentage of abuse cases involve family or care givers as abusers. Mr. Raftice does some court appointed investigations of abuse.
  - f. Defrauding, diverting, or stealing financial assets happens often to seniors. It is an inter generations action of abuse.
  - g. Mr. Raftice spoke of Interference with an Expectancy. This is where someone has interefered with an elders assets and they have taken money or assets wrongfully. There is an entire body of law surrounding this concept.
  - h. Advocates are needed for elders. 75% of people over 65 who live alone are women.
  - i. In 1987 the Improvident Transfer Act passed. This law deals with the burden of proof and presumptions. A presumption must be clear and convincing. If you convey money or 10% of your estate, without an attorney helping, the burden of proof is on the receiver of the benefit. Need to prove they didn't exert undue influence on the giver.
  - j. Joint bank accounts are also where abuse in rampant. Bank accounts have the right of survivorship, which means that the last living owner of the account gets the entirety. The law of presumptions supports the transfer,

and if this is disputed the other heirs need to prove the parent did not intend to do that.

- k. Banks have a Senior Safe program that is used to identify irregular bank activities.
- l. The power of attorney is the proper approach, without having a joint account, and can provide the proper actions. Great to have the power of attorney, but should be given to the right person.
- m. Record keeping is critical in avoiding abuse.
- n. Stepped transactions. This is where a person reimburses themselves for expenses over a bulk period of time. Keeping a log of what is paid, when, how much, etc. It is not a bulk reimbursement.
- o. Elizabeth Baillie asked about how seniors disposing of their assets to help them qualify for Maine Care?
- p. Mr. Raftice explained that this provides a vehicle for abuse, as they dispose of assets to their heirs. In Maine Care planning the clients divest themselves of their assets so they qualify. There is a five year look-back to review available assets.
- q. Chair Seekins pointed out that at \$300 per day there is a motivation to find ways to qualify. Plus Federal and State funds are less and less for providing care.
- r. Mr. Raftice agreed that this is a major social issue, and he encounters it often. The rules are there to encourage the strategy of giving away their money and qualifying. He is more of an advocate of long term care insurance.
- s. People need to beware of amateur estate and Maine Care planning. One additional tool is the irrevocable trust.
- t. Bruce Nelson asked about what if one child is more involved with the parent?
- u. Mr. Raftice responded that the caretaker provision allows that they can get compensation.
- v. Additionally, the baby boom generation is aging quickly and income taxes will likely increase to pay for their care needs.
- w. Between Cape Elizabeth and South Portland there are 35,000 people. 7,000 are over 60 years old, and roughly 10% are abused today, either physically, financially, or other form. There are many methods of crime against seniors: phone, internet, etc. Lots of identity theft.
- x. Mr. Marshall stated that folks living alone are lonely and open to abuse, like that lady from California found living in pitiful conditions in mid coast Maine.
- y. Mr. Raftice said there are usually desperate people doing bad things and attempting to prey on elders.
- z. The elder issue is interesting, the political side, financial side, it is all evolving.
- aa. Bruce Nelson asked if in light of insurance issues etc, do you think there will be panels deciding if care measures can happen?
- bb. Mr. Raftice responded no, not likely.

- cc. Mrs. Bredenberg asked of psychological abuse?
- dd. Mr. Raftice responded that many times it is in the form of emotional abuse. Isolation helps this take place. Reliant on people who demand more than they deserve.
- ee. Chair Seekins and the Commission thanked Mr. Raftice for visiting and sharing his information.

3. The January 6 meeting will discuss the pricing on the van and what services are presently and historically provided.
4. Bruce Nelson stated the Commission has talked about senior issues, but it will ultimately come down to cost associated with the issues. Will this come down to a we vs. they in the Town budget? Will it result in an increase of debt or taxes? Will the Commission be put in the middle?
5. Elizabeth Baillie stated the key will be if once the process is complete and this (senior issue) is a real issue, then the Council can have those discussions. The commission work is to increase awareness and make recommendations on serving the needs of a part of their population. Provide ideas on how things can improve.
6. June O'Neill stated that raising of awareness conversation is accurate. Clients she deals with are in crisis mode. The Commission's job is to identify those issues and raise awareness. We need to find a way to make this work for all.
7. The meeting adjourned at 1 pm.