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# Legal Needs Assessment of Older Adults in Maine

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# Legal Needs Assessment Of Older Adults in Maine

Prepared for:  
Legal Services for the Elderly (LSE)  
and Maine's Office of Elder Services



September, 2010

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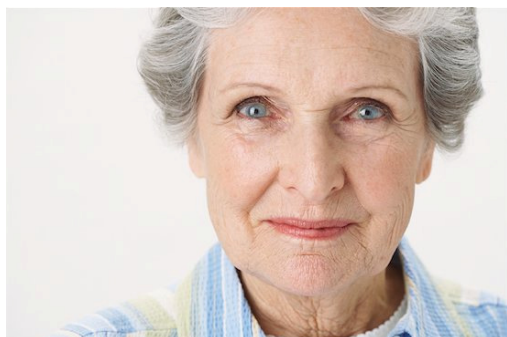
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## Legal Needs Assessment of Older Adults in Maine Executive Summary

September, 2010



Maine's older adult population is increasing, and with that, there is an increasing need for ready access to high-quality legal services for older Mainers of all income levels. Legal Services for the Elderly (LSE) is a nonprofit organization in Maine that provides free legal assistance to thousands of disadvantaged older adults each year through a statewide legal helpline and five regional offices. A brief overview of LSE and its services is included in Appendix A.

A clear understanding of the most pertinent legal issues for older adults is necessary to maximize the available resources and increase the capacity of the legal service delivery system most effectively. A legal needs assessment of older adults in Maine was conducted by analyzing the findings from recent research conducted in six other states and service data from Maine LSE over a one-year time period. Key findings are highlighted below:

- ❑ Up to half of all older adults will need legal assistance in next 5-10 years, and this need is even higher among low income elderly where from 45% to 86% of the elderly surveyed experienced legal problems in the prior three years. Without free legal assistance, people who can't afford a lawyer are most likely to 'do nothing' about their legal problem.
- ❑ LSE can serve less than 5,000 people per year, fewer than 2% of the 270,000+ older Mainers. The need for legal help is only increasing as 200,000+ Mainers ages 50-59 will reach their 60's this decade, bringing the total of those over 60 to over 460,000 by 2030. The current poverty rate among Maine's 65 years and over population is 9% (using 100% of the federal poverty level). Although some older adults could certainly hire an attorney, without free or low cost assistance available, many other older Mainers who face legal issues that implicate their most basic human needs, things such as health care, housing, and safety, will simply go without the legal help they need.
- ❑ Help with health insurance was the greatest need nationally, and 25% of services from LSE were for health care issues- more than in any other area. About half of those cases involved Medicare Part D.
- ❑ In Maine, help with financial issues was the second-most frequently provided type of service, compared to fourth nationally. More than half of those cases

involved collections and 10% were for help with debt relief or bankruptcy. These types of cases have been increasing significantly at LSE over the past two to three years due to changes in the economy.

- ❑ About 25%-45% of older adults need help with estate planning, most commonly with creating or changing a will. About 9% of cases by LSE involved help in getting a referral for estate planning.
- ❑ More than 15% of cases addressed by LSE involved housing issues, and 10% of those involved foreclosures. Housing issues may also be increasing for older adults compared to findings from research conducted just two to three years earlier.
- ❑ In Maine and nationally, elders are not seeking help when facing abuse or exploitation. Elder abuse was the primary issue in 2.2% of cases helped by LSE, which is consistent with data from other states, but like other states, Maine appears to be addressing only a fraction of the need. Less than 2.5% of older adults report abuse to authorities, but 6%-12% self-identify as being abused. About five times that number report indicators of abuse when surveyed.
- ❑ Benefits help was the second-highest area of need nationally, but only represents 3.6% of cases served by LSE. More research is needed in this area, but it is suspected this may be because Maine differs from the other states included in this survey in its administration of these benefits, and elders have ready access to assistance in applying for benefits through the five area agencies on aging.
- ❑ Other areas of need, such as help with family matters, employment issues, and guardianship are less common among the older adult population overall. However, those areas may still be the highest priority for the small number of individuals needing legal help with a particular issue.

## Overview

### Background

Maine is now the oldest state in the nation, with a median age of 41.2 years and adults ages 65 and older already comprising approximately 15% of the state's population (compared to 12.8% nationally)<sup>1</sup>. In addition, Maine presently has a baby boomer population representing a staggering 32% of the state's population (compared to 28% nationally)<sup>2</sup>. As the baby boomers reach age 65, they have an average life expectancy of more than 18 additional years<sup>3</sup>. Nationally, the population of adults ages 65 and older is projected to increase by more than 25% in the next ten years, and this trend can be expected in Maine as well<sup>4</sup>.



Maine is also one of the most rural states, ranking 38<sup>th</sup> in population density with only about 41 people per square mile<sup>5</sup>. Nearly 60% of all Mainers live in rural areas, and rural people in the United States are three times as likely to live in poverty as compared to people living in metropolitan areas<sup>6,7</sup>. Maine's median income is also below the national average. In some rural counties, the county median income was even 20% lower than the state as a whole. Therefore, individuals living in the most rural counties of Maine tend to have lower incomes and higher rates of poverty compared even to individuals living less-rural southern Maine<sup>8</sup>.

In addition to the financial challenges faced by many older adults in Maine, people living in rural areas generally experience poorer health, lose more days from work because of illness, and have more difficulties with maintaining adequate housing, finding transportation, and accessing health care, than their urban counterparts<sup>9</sup>. Mainers, and Maine's older adults in particular, tend to be more reliant on income and assistance from government payments such as Social Security, Medicare, MaineCare, and food stamps<sup>10</sup>. And with the recent economic downturn, baby boomers and older adults are being faced with financial challenges and housing crisis' while on a fixed income, or with little time to recover before reaching retirement age<sup>11</sup>. All of this underscores some of the challenges Maine's older adults may face that contribute both to the *need for* legal assistance and to *difficulty receiving* the legal help they need.

A needs assessment is necessary to determine the legal needs of older adults in Maine. This will enable Maine and LSE to target the limited available resources toward the areas of greatest need and to identify areas of unmet or growing need. This needs assessment is being completed as a part of LSE's Model Approach to Statewide Legal Assistance Project. This project is supported by grant funding from the Administration on Aging. The grant funding is providing support for Maine's efforts to ensure that

socially and economically disadvantaged older adults in Maine are able to access and utilize the legal help they need.

### ***Methodology***

Rather than distributing a survey in Maine, the needs assessment was conducted by analyzing existing reports on legal needs of older adults and corresponding data from six other states. This method of data collection was selected as a means for gathering a large amount of relevant and methodologically sound data in a limited time frame and at minimal cost. The findings from these studies, taken as a whole, are likely to provide an initial picture of the needs of older adults in Maine. Maximizing the use of existing data permits the limited amount of federal funds available for conducting a needs assessment to be prioritized for conducting focus groups of older adults in 2011. The focus groups will build upon the findings from the needs assessment and will target particularly hard-to-reach at-risk populations.

The six states selected for review all have characteristics similar to Maine and recently performed major legal needs assessments. They are: Kentucky, Michigan, Nevada, North Dakota, Ohio, and Utah. The studies took place between 2007 and 2009, except for Utah's study, which was done in 2004. All six of the states have significant rural areas, and Nevada, North Dakota, and Utah are less densely populated than Maine. Like Maine, Michigan, North Dakota, and Ohio all have a higher-than-average proportion of adults ages 65 and older<sup>12</sup>. A total of more than 7,300 older adults completed legal needs surveys in these states.

In addition to findings from the six studies conducted in states that have similarities to Maine, data from Maine regarding legal needs that are currently being addressed is included. This information is taken from a database of legal services provided to older Mainers by LSE from October 1, 2008 through September 31, 2009. A total of 4970 cases were opened during this twelve-month time period. LSE provides different levels of service depending upon the nature of the legal problem. The levels include: help by attorneys exclusively via telephone with a broad range of legal issues, representation by attorneys in five area offices in specific legal areas, such as elder abuse and public benefit appeals, and referrals to the private bar in those legal areas that do not implicate an elder's basic human needs and for that reason are not among LSE's priority areas.

No elders that met LSE's eligibility criteria (60 years of age or older and Maine residency) were declined services during that reporting period. All eligible callers with legal problems received some level of assistance from LSE and are included in the service data. The needs assessment further examines legal services that are currently being used or are needed in other states, as well as methods of information delivery most preferred by older adults. This report concludes with implications for providing legal services to Maine's older adults.

### ***Limitations***

Due to the fact that the six studies did not ask the same questions in the same way to the same population, there is no method for conducting a statistical ranking

incorporating all of the data. In addition, the six studies examined for this analysis each had their own limitations relating to study design, sampling, and reporting. For example, the studies in North Dakota and Nevada were not designed with the specific needs of older adults in mind, but rather examined the responses of older adults who completed a statewide study. Also, the Kentucky survey was primarily conducted through senior centers, reaching older adults who are already accessing some community services, and the Michigan study was sent only to older registered voters. As with many surveys, there are challenges reaching individuals in institutions, individuals with limitations reading and writing in English, and other hard-to-reach populations.

Despite the survey limitations, an examination and analysis of the six studies led to the identification of ten common areas of legal need across the majority of the studies. The findings from each state's reports were then grouped into the categories to permit comparisons across the reports. Reports from some states did not address all of the areas of need, so some sections of the needs assessment do not include data from every state. Consequently, the areas of legal focus can only be listed as an overall ranking of need as identified by those completing the surveys and interpreted by the preparers of this report.

Although most of the studies were conducted in a similar time frame from 2007-2009, the Utah study was conducted in 2004, prior to what most consider was the start of an economic downturn. The service data from Maine that was examined covers cases opened from October 1, 2008 through September 31, 2009, and includes some of the most recent information available.

The rapidly-changing political and economic climate could create a variation in the services needed by older adults in just two to three years, particularly the areas closely tied to finances and, to a lesser extent, healthcare. The recent housing crisis has also



impacted older adults, with Americans ages 50 and older representing more than one-quarter of all mortgage delinquencies and foreclosures<sup>13</sup>. It is possible that some discrepancies between state data and in comparison to services in Maine can be linked to when the information was collected.

It is important to note that some studies (Michigan, Nevada, Ohio, Utah) attempted to achieve a representative sample of the adult or older adult population, while other studies attempted to specifically target lower-income or rural older adults (Kentucky, North Dakota). The studies in Nevada and North Dakota included participants ages 18 and up, with some responses broken down by age to provide information specifically about older adults. The Michigan study surveyed those 50 and older, and Kentucky, Ohio, and Utah all focused on older adults ages 60 and up. Also, sample sizes ranged from 207 older adults in North Dakota to 4,715 in Ohio.



### *Need for legal assistance*

The need for legal assistance can be assessed by examining both the legal services actually used by older adults and the services survey respondents stated they needed, but didn't use. For example, twenty-five percent of older Ohioans used legal help in the three previous years, and an additional 20% had legal issues but did not get help. Among those who needed but did not seek legal advice, 61% cited cost as the top reason for not seeking advice. Transportation and health issues also proved to be barriers. More than half of those individuals eventually gave up and did nothing about the problem.

Forty percent of older Kentuckians had used a lawyer in the previous five years. About half of them were charged a normal fee, about one-fourth got the service for free, and around one out of ten were given a reduced rate. Of those who thought about hiring a lawyer but did not, cost was again the primary issue, cited by more than two out of five. Other barriers included: feeling the problem was minor (15%), not knowing where to start (13%), and not being sure that the problem was legal (8%).

Half of all older adults in Utah had used the services of a lawyer in the previous 10 years. Nearly two-thirds paid the normal fee, and the rest were split between receiving the service for free and being charged a reduced rate. Like in Kentucky, almost 40% of older Utahans who did not use a lawyer for a legal problem felt that the cost was too high. Thirteen percent felt the problem was minor, 9% did not know where to start, and 5% were not sure the problem was legal.

Although the survey in Michigan did not indicate the number of older adults receiving legal services, a question was asked regarding what respondents would do if faced with a legal issue and free legal advice or information was not available. About half of the older adults surveyed in Michigan indicated they would hire an attorney, more than one-fourth would research the problem on the internet, and nearly one out of ten would attempt to ignore the problem.

These findings indicate that up to half of all older adults in Maine could require legal assistance at least once over the next five to ten years and the need is even higher among low income elderly where from 45% to 86% of the elderly surveyed in other states experienced legal problems in the prior three years. LSE is currently able to serve less than 5000 older Mainers per year. With more than 270,000 Mainers ages 60 and older, LSE is only able to reach less than 2% of older adults annually. This need is only going to increase, as more than 200,000 Mainers ages 50-59 will reach their 60's in this decade bringing the total of those over 60 to over 460,000 by 2030. Although some older adults could certainly hire an attorney, without free or low cost assistance available, many other older Mainers who face legal issues that implicate their most basic human needs, things such as health care, housing, and safety, will simply go without the legal help they need.

## *Findings*

Although each study examined the legal issues and needs of older adults in a unique way, ten overall areas of concern were most frequently cited across the six survey samples. They are grouped into three service priority areas based upon a combination of the number of survey respondents indicating that they had a particular need and the relative importance those respondents placed on getting legal help in that area. Therefore, the highest level service needs impacted largest number of older adults and were perceived by survey respondents as being areas of high priority for legal assistance. The moderate-level needs either impacted a smaller number of older adults or were perceived as less important when compared to their legal needs in other areas. The lower-level needs impacted only a small minority of the older adult population.

High-level service needs include help with:

- Health insurance
- Government benefits
- Estate planning
- Personal finances and consumer issues

Moderate-level service needs include help with:

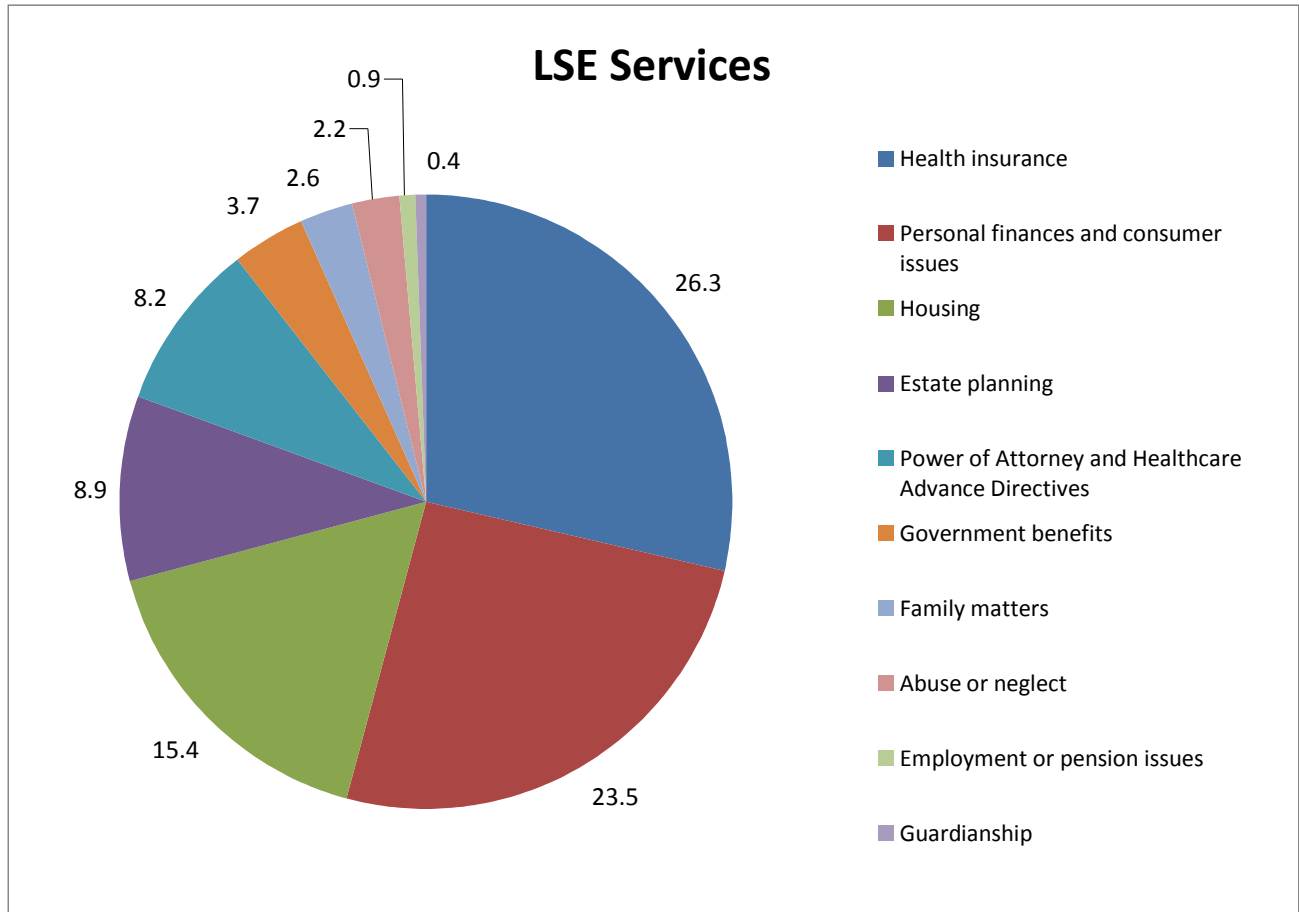
- Housing
- Powers of Attorney and Healthcare Advance Directives
- Abuse and neglect

Lower-level service needs include help with:

- Family matters
- Employment and pension issues
- Guardianship

These areas of need, and the relation to services currently provided in Maine, will be described further. Also, it is important to keep in mind that even though a type of need is less common among the older adult population as a whole, it may still be the highest priority for the small number of individuals needing legal help in that area.

## Services Provided By Maine Legal Services For the Elderly 2008-2009



The clients served by LSE during the reported period were 68% female and 32% male. The clients were distributed across the state in a manner that mirrors the distribution of the low income elderly across the state. The age groups included the following: under 60 (5%), 60-69 (38%), 70-79 (35%), 80-89 (19%), and over 90 (3%). The services provided to those under 60 were limited to assistance with Medicare Part D appeals provided to individuals with disabilities.

## Legal Needs of Older Adults

### HIGH-LEVEL NEEDS

#### *Health insurance*

##### Other states' surveys

Health insurance was the legal issue of greatest concern to older adults in Michigan, with 44% ranking it as a major concern. Twelve percent of the older adults indicated that they do not understand the health care services they are eligible to receive. More than



one-quarter indicated they had questions about Medicare Part D. However, it is important to note that Medicare Part D was implemented on January 1, 2006, and states conducting surveys shortly after its implementation may be likely to find higher levels of confusion about the program by older adults than if the studies were done after the program had been in place for several years.

In Ohio, health-related legal issues were also the area of greatest need among older adults, with a staggering 58% reporting this as a concern. In addition, six out of seven Ohioans age 60+ reported they were concerned about finding and keeping affordable, quality health care coverage. Twenty percent experienced problems related to their health care coverage, including billing or payment disputes; enrolling, changing, or terminating health care coverage; doctors or hospitals who do not accept their insurance; Medicaid eligibility; and problems with long-term care such as home care. About one out of ten older Ohioans had problems related to Medicare Part D.

Health insurance ranked as the second leading legal concern among older Kentuckians, with almost 15% rating it as top legal issue. Almost 30% had experienced problems with their health insurance. Of those, over half had problems with health insurance because the care was too costly, and about one-third had problems with insurance not covering care that they wanted or needed. Other less-common problems included over-billing and a lack of covered providers. Twelve percent had questions about Medicare part D, and an additional 9% did not know about Medicare Part D.

In Utah, health insurance overall was the fourth most frequently identified need among older adults. Over one-fourth of all respondents had problems with their health insurance, with the two most common problems being the cost of care and the insurance not covering the service. However, over half of older adults reported problems specifically with Medicare Drug Card Program (which preceded Medicare Part D). The problems primarily focused on understanding the program. Interestingly, only about 5% of older adults in North Dakota reported serious problems with their health insurance.

## Maine

The data for Maine support the need for legal help with health insurance concerns. LSE provides a broad range of services in this area including helpline services, help in appealing denials of coverage of prescription medications, and help in appealing reductions or denials of Maine Care and Medicare benefits and discharges from facilities or services. More than one out of four older adults that sought help from LSE required assistance with issues related to health insurance, making help with health insurance issues the most frequently provided service in Maine. Over half of the issues concerned Medicare Part D. However, because LSE in Maine has a unique Medicare Part D Appeals Unit, the ready availability of this service could contribute to the higher service levels of help with Medicare Part D compared to other states. In addition to help provided with Medicare Part D, nearly one-fourth of the health insurance-related issues were regarding MaineCare (Medicaid), and most of the remaining cases involved Medicare.

## **Government benefits**

### Other states' surveys

In Kentucky, the number one legal concern among seniors is their government benefits, with more than one-fourth of older adults citing benefits issues as their primary need, and about 20% reporting problems with their benefits. The most common difficulties were gaining eligibility for benefits (25%), a lack of information about how to appeal a decision (23%), and benefits being denied or cut unfairly (22%). Help with government benefits was the second-most needed legal service by older adults in Utah, with 43% of respondents indicating they wanted help with benefits. Seventeen percent of respondents reported having specific problems with their government benefits, such as not knowing about the benefits they were eligible for and difficulty getting help with benefits.



Help with government benefits ranked as the third-highest legal need among older Michigan residents. In fact, 40% of lower income respondents and 27% of those with higher incomes were concerned about government benefits. Similarly, government benefits are the second-highest priority for older Ohioans, with 39% having a legal concern about benefits. Three-fourths of older Ohioans receive government benefits, and of those who received benefits, one in ten

had experienced problems with their benefits related to eligibility, reduction, or termination in the prior three years. The survey conducted in North Dakota found that more than 60% of older adults received government benefits, and nearly one-third had applied for at least one benefit in the previous three years. Nearly 6% had problems with their benefits during that time.

## Maine

Although government benefits ranked as the second-highest legal priority nationwide, only 3.7% of the cases served by LSE in Maine addressed help with non-health care related government benefits. More than one-third of those cases involved Social Security benefits. Help with government benefits ranked sixth in Maine, and represents one of the largest discrepancies between services provided in Maine and national data. LSE does provide a full range of service in this area including assistance with appealing benefit reductions or denials. It is possible this discrepancy as compared to the other state surveys exists due to non-legal support systems readily available to Maine's elderly through the area agencies on aging and the Department of Health and Human Services regional offices. These support systems may be resolving problems before legal help is needed. More analysis is needed in this area.

## *Estate planning*

### Other states' surveys

Estate planning was the most needed legal service for older adults in Utah, cited by 44% of survey respondents. About one out of seven of respondents indicated specific needs, including wills, estate planning, trusts, and other advanced planning. Estate planning was the second-highest priority for older adults in Michigan, with 43% citing it as a primary need, just behind health care issues. Forty percent of the respondents in Michigan indicated that they do not have a will or other written plan for their estate.



Twenty-eight percent intended for their family to get their belongings when they die, but do not have anything written down. Thirteen percent indicated that they do not know what happens when someone dies without a will. Half would like to be able to have basic documents prepared by an attorney.

More than one-fourth (27%) of older adults in Ohio were also concerned about estate planning issues. Thirty percent indicated that free will and estate planning services would be the type of legal service that would be most helpful to them. In Kentucky, estate planning ranked as the third highest legal need among older adults, with nearly 14% citing this as a primary concern. Specifically, older adults needed help with: writing or changing a will (10.5%), planning their estate (4.9%), setting up a trust (3.9%), deeding property (3.1%), and other estate issues (1.9%). Similarly, about 22% felt that a free will and estate planning service would be one of the most helpful types of legal services available.

North Dakota residents may also have legal needs in this area. About one-third of respondents indicated that they do not have a will, though they were not asked about whether this is an area of need. The Nevada survey found that only 6% of respondents

needed help making or changing a will. However, this figure includes all adults ages 18 and older. There was no breakdown provided specifically for older adults.

### Maine

Estate planning was the fourth most sought after legal service by seniors seeking help from LSE in Maine. The LSE service in this area involves a Helpline attorney speaking with older adults and then referring them to a member of the private bar for further assistance. This includes the potential for reduced fee or pro bono referrals. Just less than nine percent of the services provided in Maine involved assistance with wills and estate planning. This is similar to national findings.

### ***Personal finances and consumer issues***

#### Other states' surveys

Personal finances were a problem for a significant number of older adults. One-third of older Nevadans reported some type of financial issue, such as being contacted by a collection agency, having problems with a creditor, or having a utility shut off. Likewise, about one-third of older adults responding to the Michigan survey indicated that they did not have enough money to meet their basic needs. One out of ten was unable to pay their bills, 6% stated that they get a lot of calls about money they owe, and 2% were considering filing for bankruptcy. Help with legal issues surrounding debt was a high priority for 4.2% of respondents.

In Kentucky, 13% indicated that they had experienced a problem with a bill collector, such as harassing phone calls or repossession threats. About 4% could not pay their credit card bills, and 6% had filed or were considering filing for bankruptcy. The survey in North Dakota found that 7% of older adults had problems with creditors or debt collectors. Four percent reported being harassed by creditors and 4% had a debt sent to a collection agency. Additionally, one out of five reported problems in obtaining credit during the five years prior. Similarly, about 7% of Ohio respondents cited problems with having bill collectors call them, wage or bank garnishment, or property repossession, 4% could not pay the minimum on their credit card bills, 3% needed to use payday loan or post-dated check services, and 1% were filing for bankruptcy. Five percent of older adults in Utah reported problems with bill collectors, like harassing phone calls or repossession threats, and 4% were considering or filing for bankruptcy.

Sales practices also posed a problem for some older adults. More than half (57%) of older adults in Kentucky experienced problems with telemarketers. Thirty percent of the respondents reported telemarketers calling after they had joined a no-call list and approximately the same number (27%) complained that telemarketers continued to call after being asked to not call. More than 13% of older adults had experienced a rude telemarketer, 12% had been subjected to high-pressure tactics (such as not hanging up until they bought something), and 8.6% had been deceived about what they would be getting. Twenty-two percent of older adults in Michigan repeatedly received unwanted phone calls from people trying to sell them something or offering prizes.

About one-third of older adults in Kentucky had trouble with salespeople. More than one out of four had been pressured to buy something they didn't want, about 6% had been subjected to an aggressive door-to-door salesperson that wouldn't leave, and more than 3% had been overcharged for an item they purchased. One-fourth of older adults in Utah also reported problems with salespeople, particularly trying to sell them unwanted items and aggressive door-to-door selling. Similarly, 9% of older adults in Michigan indicated they had felt pressured to buy when someone came to their door trying to sell them things.

High interest rates and predatory lending were also a problem for some older adults. Seven percent of older Kentuckians indicated they had received a loan, only to find out later it had hidden fees or a high interest rate. About 5% of older adults in Michigan indicated that interest rates were much higher than expected on loans they took out with a bank, credit card, or mortgage company and 5% of older Utahans had problems with loans having excessive fees or high interest rates. In North Dakota, 4.4% of older adults had been pressured to buy a product with an interest rate greater than 20%.



Sixteen percent of older adults in Utah had trouble with a contract, including 4% needing advice before signing. Over 11% of respondents to the Kentucky survey also reported having a problem with a contract. About 6% needed advice before signing and 4% said that they had "signed without understanding" a contract. Other issues identified in both surveys included: feeling pressured to sign immediately, the other party not following the contract, not being able to get a refund, and difficulties getting out of a contract.

Consumer fraud was also a concern. One in six (16%) older adults in Ohio felt they had been a victim of a consumer fraud or scam, such as identity theft. In fact, eighty-two percent were extremely (30%), very (24%), or somewhat (28%) concerned about becoming a victim of a consumer fraud or scam. Nearly one-quarter of older adults in Michigan were contacted by a store, bank, or other person in last year claiming they owe money that they do not believe they actually owe. Seven percent of older Ohioans indicated that fraud and financial exploitation were among their top legal concerns.

### Maine

Although personal finance and consumer issues were the fourth-highest legal priority nationwide, nearly one-fourth of the legal services provided by LSE in Maine involved help with personal finances. This was a close second only to health insurance issues. More than half of all financial and consumer cases involved collections, and over 10% were regarding bankruptcy or debt relief. It is important to note that the data from Maine is more recent than the national data, and the rapidly-changing economic situation from



2006-2009 could contribute to an increasing need for help with financial and consumer issues for older adults. LSE handles the vast majority of the consumer debt cases through its statewide helpline.

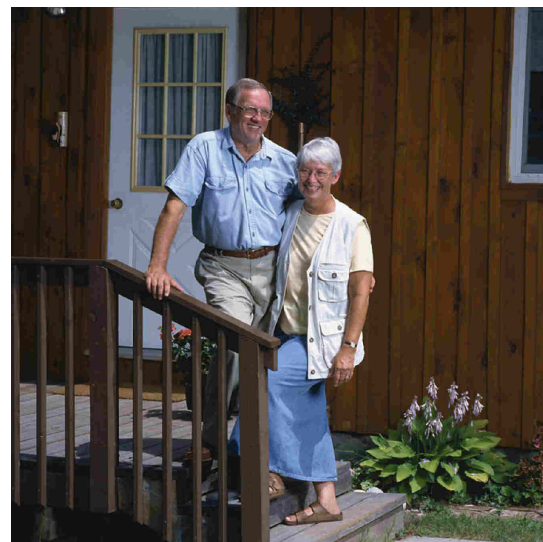
## MODERATE-LEVEL NEEDS

### *Housing*

#### Other states' surveys

Nearly one out of five older Kentuckians experienced problems with the conditions in their home, most commonly problems with mice/ bugs and a lack of heat/ hot water/ electricity. This was very similar to the findings in Utah, where 18% of older adults reported problems with housing conditions. In addition to those two issues, broken appliances were also a frequently-cited problem.

The survey in Nevada found that 8% of adults ages 60 and older reported a housing-related legal problem. Problems included: unsafe living conditions, serious problems with a neighbor, problems with a landlord, and discrimination. Twelve percent of older Utahans had problems with their neighbors. Ten percent of older adults in Kentucky experienced problems with utility service or payment, 10% had problems with their neighbors, and 7.6% had problems with their landlords. Thirteen percent of respondents in Utah and 10% in Kentucky indicated that they paid to have work done on their home and it was done incorrectly.



Only 3.8% of older adults in Michigan identified housing as a primary legal issue. Interestingly, although housing issues were a primary legal concern for only 3% of older Ohioans surveyed, 43% were concerned about legal housing issues, such as defending evictions and foreclosures, finding affordable housing, disputes with contractors over home repairs, problems with reverse mortgages, disputes about rent or terms of a lease, and unsafe living conditions. One out of eight homeowners experienced at least one housing-related problem and three percent of respondents needed legal advice about a housing issue in the three prior years.

In North Dakota, housing issues were not identified as a significant legal need. The most prominent issue involved older adults leaving a rental unit and not receiving all or part of their security deposit, which occurred in about half of the cases reported. Another identified legal need was that two percent of older adult respondents had not had a place to live at some point during the preceding five years, although the primary reasons for this were not cited.

## Maine

Nationally, housing issues were the fifth-highest rated legal need. In Maine, services provided by LSE for housing issues comprised more than 15% of all cases, making help with housing the third most frequently provided service. LSE provides a full range of legal services in the housing area. Again, the recent downturn in the housing market could contribute to the higher priority in Maine for housing-related legal help. The types of cases most frequently handled by LSE included: homeownership-related issues (31% of housing issues), federally subsidized housing (21% of housing issues), landlord/tenant (18% of housing issues), foreclosures (10% of housing issues), and public utilities (7% of housing issues). There was no breakdown in data revealing the number of cases that specifically involved conditions in the home or rental unit.

## ***Powers of Attorney and Healthcare Advance Directives***

### Other states surveys

Concerns about a Power of Attorney were the fourth-ranking legal issue of older adults in Michigan, cited by 22% of older adults. Surveys done in other states painted a much different picture. The North Dakota study found over half of all survey respondents reporting that they already have a financial Power of Attorney. Just eight percent of older Ohioans had concerns about a financial Power of Attorney, and in Kentucky, 6% of older adults responding to the survey needed help with a Power of Attorney. Only about 2% of older adults in Utah needed help in this area.



The Michigan survey found that only little over one-quarter of the lower-income older adults had a living will or patient advocate. In contrast, 43 percent of those with higher incomes had such documents. Also, just under one-quarter of the lower income people surveyed indicated they had a power of attorney for health care, compared to over one-third of those in the higher income range. Older adults in Michigan were also asked about whether they felt they knew their rights as a patient in a

hospital. Fifty-six percent of higher income older adults indicated that they knew their rights, but only one-third of lower income older adults felt that they knew their rights as a patient in a hospital. The study in North Dakota found that less than half (47%) of older adults age 60 and older had a healthcare directive or living will.

Nearly nine percent of older adults in Kentucky reported needing help with creating a living will, and five percent needed help with a healthcare power of attorney or DNR (Do Not Resuscitate) order. In addition, advance planning issues, such as living wills and medical power of attorney was the 4<sup>th</sup> most needed service, requested by almost one-fourth of respondents. About 5% of older Utahans reported needing help with living will.

## Maine

In Maine, 8.2% of older adults seeking help from LSE had an issue with a Power of Attorney or Healthcare Advance Directive. More than half (4.6% of older adults receiving help through LSE) got help with a Power of Attorney issue. The LSE service in this area involves a Helpline attorney speaking with older adults and then referring them to either an LSE staff attorney or a member of the private bar, if necessary. This includes the potential for reduced fee or pro bono referrals. The actual percentage of older adults (4.6%) provided with help with a Power of Attorney through Maine LSE is in alignment with the need identified in Utah, Kentucky, and Ohio, ranging from 2%-8% of the population surveyed.

Help with Healthcare Advance Directives was provided to 3.6% of older adults seeking assistance from LSE in Maine. Inquiries in this area are often paired with inquiries about Powers of Attorney and/or estate planning. When comparing the ranking of services, this is in alignment with the perceived level of need nationwide. The actual percentage of individuals receiving help with an advance directive is less than the number stating that they need help nationally, however. It is unknown whether more older adults in Maine already have advance directives compared to their national counterparts, or whether they are simply not getting help with advance directives through LSE.

## ***Abuse, neglect, and financial exploitation***

### Other states' surveys

The state surveys each approached assessing elder abuse and neglect differently. The study conducted in Kentucky was the most comprehensive in addressing abuse and almost 12% of the respondents reported being abused in some form. The most common form of abuse reported was emotional abuse (6.8%), followed by financial abuse (4%), physical abuse (2.8%), and neglect (2.2%). Additionally, nearly one-third of all older Kentuckians reported problems that can be indicators of abuse, exploitation, or neglect. The two most common problems reported were suffering from depression/social withdrawal (16%) or anxiety/anger (11%). Other indicators of potential abuse or neglect reported by survey participants included: lost or stolen personal items, sudden weight loss, unusual physical injury, lack of medical care, dehydration, wrong or missed medications, and receiving unnecessary medical therapy.

Nine percent of older Utahans reported experiencing abuse or neglect. The most common type experienced was emotional abuse, followed by financial abuse, neglect, and physical abuse. Interestingly, a separate question asking about whether the individuals' assets had been improperly used found that less than one in five people who felt that their assets had been improperly used actually identified themselves as being financially abused, indicating that actual rates of abuse could be higher than reported.

Seven percent of older adults in Ohio indicated that 'abuse, financial exploitation, or fraud' was a primary legal concern, and 2% sought legal help for such a concern in the prior three years. Almost six percent of older adults in North Dakota report being taken

advantage of financially, or having a close friend or relative that has. The North Dakota study also found that 2% of older adults reported they, or someone close to them, had been physically abused or neglected during the previous year. One percent of older adults reported being a victim of domestic violence during that same time period. One percent also reported experiencing harassment in the past three years.

Less than one percent of older adults in Michigan reported that abuse or neglect was a concern. However, questions about autonomy, well-being, and security indicated several areas of need, particularly among lower-income older adults. For example, only 13% of lower-income individuals had enough money to meet their basic needs, just 17% are able to go when and where they want, and only 20% feel safe and secure in their home. Among all older adults, nearly one in four felt that people do not respect their wishes. These findings could indicate that some older adults are vulnerable to, or experiencing, abuse or neglect, but did not identify as such or report it as a concern.

Nevada looked at the number of elder abuse and neglect complaints reported in the state database from 2006-2007. In the twelve-month period, about 2.5% of the population ages 65 and older reported abuse, an increase of over 28% in just two years. About 40% of cases involved self-neglect, 20% of reports were physical, sexual, or emotional abuse, 19% were neglect by a caregiver, 19% were financial abuse, and 3% were for excessive isolation of the older adult. Of the 2006-07 complaints, about 25% were substantiated through investigation by law enforcement or other agencies. The report emphasized that, as with child abuse and neglect, there is no way to know the true prevalence of elder abuse and neglect since undoubtedly many incidents go unreported.

### Maine

In Maine, 2.2% of the older adults receiving assistance from LSE sought help for issues relating to abuse, neglect, or financial exploitation. LSE provides a full range of service in this area including representation in court to recover assets or obtain protection from abuse. Over half of the cases in Maine were regarding financial abuse, and the remaining cases focused on all other types of abuse. This rate is similar to national data that looks at help actually received for abuse and neglect issues, which ranges from less than 1% to about 3% of the older adult population. However, states that surveyed older adults about experiencing abuse found that 7%-12% of older adults reported being abused in some form. Even higher numbers, particularly from the low-income groups in Michigan and Kentucky, self-identified as having indicators of abuse and risk factors for abuse, such as social withdrawal and not feeling safe in their home. Findings from the Utah study may indicate that the rate of some types of abuse may be five times higher than the rate of reported abuse. If that is the case in Maine, 10% or more of the older population served by LSE may benefit from legal help with abuse and neglect issues. In summary, Maine's service statistics are in alignment with services currently provided nationwide but as is the case nationally, it appears large number of elder abuse victims in Maine are not seeking legal assistance when needed.

## LOWER-LEVEL NEEDS

### *Family matters*

#### Other states' surveys

Twelve percent of older Utahans reported needing help with some type of family matter, most commonly division of property. Other types of family matters cited by respondents included needing help with divorce, separation, child/grandchild custody, and alimony. The research conducted in Kentucky found more than 7% of older adults have needed advice about family matters, and family matters were a concern for about 5% of Ohioans. The study in Nevada found that less than 2% of older adults reported needing assistance for each of the following legal issues: break-up of a marriage or partnership, changing names after a marriage or divorce, and child custody issues. The Michigan research found that only 1.7% of older adults had concerns about all family matters.



#### Maine

In Maine, 2.6% of the individuals receiving services from LSE got help for family matters. About 40% of those cases involved issues of divorce or separation. This level of service is similar to the rate of legal help regarding family matters in Ohio, Nevada, and Michigan, but significantly less than the need identified in Utah and Kentucky. The LSE service in this area involves a Helpline attorney speaking with older adults and then referring them to a member of the private bar. This includes the potential for reduced fee or pro bono referrals.

### *Employment or pension issues*

#### Other states' surveys

About eight percent of Michigan older adults indicated that employment or pension issues were a primary legal concern. This was more of a concern for respondents in higher income categories than those with a lower income. Similarly, seven percent of adults ages 60 and older in Nevada reported a problem related to employment. This includes age-related discrimination and problems with retirement benefits and pension plans.

The North Dakota study found that just less than three percent of older adults reported being denied a job and 1.5% reported being denied a promotion in the past three years based on discrimination, including age-related discrimination. About 3½% of older adults experienced harassment while at work. Other employment issues faced by less than three percent of respondents included: being paid less than minimum wage, trouble collecting money owed after leaving a job, trouble collecting overtime pay, and other payroll issues. The studies in Ohio, Kentucky, and Utah did not assess whether older adults were having legal issues with their employment or pension. However, they

found that 14%-19% of older adults in each state were employed, either full- or part-time.

### Maine

Just less than one percent of the legal assistance provided to older adults in Maine regarded employment or pension issues, ranking 9<sup>th</sup> out of 10 for types of service provided. This is the same as the national ranking. The number of cases in this area was not large enough to provide an assessment of the types of issues that were most frequently encountered. The LSE service in this area involves a Helpline attorney speaking with older adults and then referring them to a member of the private bar, if necessary. This includes the potential for reduced fee or pro bono referrals.

### Guardianship

#### Other states' surveys



Guardianship was a concern for 3.5% of older Michigan respondents, of 2% older adults in Ohio, 1.1% of older Kentuckians, and less than 1% of older adults in Utah. Despite the small number of individuals with concerns about guardianship, the survey in Michigan found that only 22% of respondents thought they knew what their rights would be if they had a court appointed guardian or conservator. The study in Nevada found that 2% of all adults needed help starting or changing guardianship of an adult.

### Maine

In Maine, help with guardianship was provided in less than 1% of cases served by LSE. LSE directly assists with guardianship defense and revocation cases. With all other inquiries, the LSE service involves a Helpline attorney speaking with older adults and then referring them to a member of the private bar or Adult Protective Services, if appropriate. This includes the potential for reduced fee or pro bono referrals. This was the least-frequently needed and provided service for older adults both nationally and in Maine. The help provided in Maine *may* still be less than the need, based upon the findings from other states.

## Delivery of Legal Services

### *Preferred services*



Some surveys questioned respondents about the types of legal services they would like to have available in their state. Older Kentuckians identified the following legal services as most desirable: a free hotline to talk to an attorney (51%), low-cost or free attorneys (34%), legal guidebook for seniors (27%), free will & estate planning service (22%), legal aid program (19%), free legal seminars (16%), free consumer and fraud seminar (11%), and website with legal information (5%).

The survey of older Utahans had similar findings. Almost 70% of older adults wanted a legal hotline, 60% were interested in a legal guidebook, and 44% wanted access to free or low-cost attorneys. Other legal services identified included: free will preparation clinic (33%), free legal seminars (19%), websites with legal information (15%), and free consumer/fraud seminars (10%).

The top two legal services that would be considered most helpful to Ohioans age 60+ were again a free legal hotline where people could talk to a lawyer over the phone (46%) and low-cost or free attorneys (44%).

The survey in Michigan also found that the service desired by nearly three out of four older adults for receiving free legal advice and information a number to call for advice. About half were interested in having basic documents prepared by an attorney, one-third wanted to meet with a lawyer within 100 miles of their home, and one-fourth were interested in presentations on legal topics at their local community center. In contrast to the findings in Kentucky, one out of four respondents also felt that legal information on a website would be helpful.

### *Preferred methods of receiving information*

Some states' surveys also asked respondents about their preferences for learning about legal assistance that may be available. In Kentucky, more than 70% of respondents indicated that the best way to learn about legal services would be through a senior center. However, it is important to know that much of the surveying was conducted through senior centers in Kentucky.

About one-fourth would want to learn about services from advertisements and 15% would prefer other communication. And although 30% of older adults use the internet at home, at work, at the library, or at the local senior center, only 2-3% would prefer learning about legal services through a website or e-mail.

The survey in Michigan found that although half of those surveyed indicated use of e-mail and the internet, when asked what the best methods were to give older adults information about a new service, again a relatively small percentage indicated a website or e-mail. The most preferred method of receiving information was through the mail, as indicated by 70% of respondents. Forty-two percent felt TV advertising was a good way to reach them, and 31% indicated newspaper advertisements would be an effective method.

In Utah, about half of older adults had e-mail in 2004, and that number is likely higher today. However, more than half of older Utahans felt that the best way to get the word out about legal services was through advertising, and almost one-third indicated that they would like to receive information through a senior center.





## Implications for Maine



Maine's older adults rely upon the legal assistance provided by LSE, but the level of services currently available is not sufficient to meet the growing need for help with legal issues. The older adult population is growing in Maine, while at the same time, the needs of older adults are increasing due to the housing crisis, personal economic hardships, and reliance on government benefits such as Social Security and Medicare.

LSE is addressing a significant number of health insurance issues through a special Medicare Part D Unit. This appears to be a much-needed source of support and assistance for older adults. However, based on national findings, there is a high need for other health insurance-related issues as well, such as help with Medicaid, Medicare, and private insurance; long term care assistance; and help with in-home and community-based care. Some of this assistance answering questions and helping with applications may be able to be provided in the community through organized collaboration with social service agencies, allowing LSE to focus specifically on legal issues.

Government benefits represented the second-highest need nationally, but help with government benefits represented only 3.7% of the cases served by LSE in Maine. This could indicate a potential service gap in this area. However, there has been a trend in recent years for increased interaction between the Maine Department of Health and Human Services and clients seeking benefits, which may have resulted in more individuals fully completing their applications and fewer benefit denials. Also, the Area Agencies on Aging offer older adults help in seeking needed benefits. The help available through social service agencies may be a model approach for the prevention of delays and service denials, possibly reducing the need for legal intervention. However, with the recent decline in the economy and older adults increasing reliance on government benefits, this area of legal need is still likely to grow.

The third most frequently provided service by LSE in Maine is help with estate planning, representing about 9% of cases. However, an estimated 25%-45% of older adults nationally indicated that they needed assistance with estate planning. Up to one-third of survey respondents in other states indicated that they would be interested in a will and estate planning service, clinic, or presentation in the community. This is an area for further analysis and potential collaboration with the private bar and others as Maine seeks methods for reaching many individuals with this need in a cost-effective manner.

Almost one out of four cases handled by Legal Services for the Elderly in Maine in 2008-2009 involved personal finance and consumer issues, representing a significant increase over prior years. Nearly two-thirds of those cases involved collections, debt

relief, and/or bankruptcy. In addition, about 10% of housing-related cases involved foreclosures. These needs are likely to increase as more older adults are continuing to face financial challenges and foreclosures with the current economic situation. To meet this growing need, LSE may want to explore increased collaboration with other agencies working in the consumer protection area, such as the Attorney General's Consumer Protection division and the Office for Consumer Credit Protection, which offers help with debt collection and foreclosure in Maine.

An additional area of finance and consumer need is help with contracts, warranties, sales practices, and predatory lending. With less than 2% of all cases served by LSE involving these types of consumer issues, this is significantly lower than the need reported in most other states, which ranged from 4% to over 50% of older adults facing, or concerned about, specific consumer issues. It is possible Maine's seniors are getting assistance in these areas from other agencies, including the Attorney General's Office Consumer Protection division. Approximately 10% of older adults surveyed indicated they would be interested in attending a consumer/fraud seminar. This could be an effective way for Maine to increase services in this area through seminars sponsored by LSE and others working on consumer protection issues, including the Maine Attorney General's office.



More than 15% of all cases addressed by LSE in Maine involved housing issues, and there has recently been an increase in the number of foreclosure cases handled each year. The downturn in the housing market could be contributing to the higher priority in Maine for housing-related legal help compared to national data collected in earlier years. An additional area of need nationally not specifically addressed by LSE was unsafe living conditions and lack of basic utilities, which affected between 5% to nearly 20% of survey respondents. This includes both homeowners without sufficient resources to meet their basic needs and tenants in poorly-maintained rental units. As foreclosure rates rise, renters may also face eviction as the property they are renting is foreclosed upon. Older adults lacking resources may be helped through referral to the appropriate community agencies, while LSE may face an increase in landlord-tenant issues in coming years.

In Maine, assistance with a Power of Attorney and Healthcare Advance Directives was the fifth most commonly requested service, slightly higher than an overall national priority of sixth. Although less than 5% of the cases served through LSE involved help with a Power of Attorney, this is in alignment with the need for assistance identified by 2%-8% of the population surveyed. This could indicate the population is being served in this area. However, because there is no simple Power of Attorney form that can be completed without an attorney in Maine, as there is in many other states, the need in Maine could actually be higher than the national trends.

About 3.6% of older adults seeking assistance from LSE needed help with advance directives, which is less than the number stating that they need help nationally. However, it is unknown whether more older adults in Maine already have advance directives compared to their national counterparts, or whether they are simply not getting help with advance directives through LSE. The efforts that hospitals and medical providers are undertaking in encouraging patients to create an advance directive may be helping some older adults, but some individuals (such as those without regular medical care, individuals with complex needs, or people having difficulty reading or writing in English) may need further assistance.

Elder abuse and neglect is also a significant issue both nationally and in Maine. Although only 2.2% of LSE's cases involve issues relating to abuse, neglect, or financial exploitation, and this rate is similar to national data that looks at help actually received for abuse and neglect issues, the need appears to be much greater. Findings demonstrate that significantly more older adults self-identify as victims of abuse than actually report that abuse, and an even higher number have indicators of abuse and risk factors for abuse. If that is the case in Maine, 10% or more of the older population served by LSE may benefit from help with abuse and neglect issues. This is an important area for continued collaborative efforts designed to prevent abuse and increase the reporting rate.

LSE should explore a more systematic approach to collaboration with other agencies, such as Adult Protective Services, law enforcement, and domestic violence resources. With more than half of the cases served by LSE involving financial exploitation, LSE may also want to consider expanding outreach with banks or financial institutions. It is possible that, with the economic downturn, financial exploitation and theft of money, prescription drugs, and other property may rise. However, in addition to the challenges of providing legal assistance to older adults that come forward, LSE, as with social service agencies, faces the challenge of helping older adults and concerned individuals recognize when abuse or neglect is taking place and seeking help for it.

Less than 3% of the cases served by LSE in Maine involved help for all types of family matters, and about 40% of those cases were issues of divorce or separation. However, with grandparent-headed households now the fastest-growing family type, there could be an increase in the need for legal help for grandparents raising grandchildren in the future.

Less than one percent of the cases served by LSE addressed employment or pension issues, which is similar to the national findings. The leading edge baby boomers may have a higher need in this area than other segments of the older adult population. This will likely remain a less-common need, but may still grow as the baby boomers in Maine reach into their 60's. Similarly, help with guardianship was provided in less than one percent of the cases served by LSE in Maine. This may be less than the need based upon the findings from other states. However, it is important to note that LSE in Maine only handles revocations of guardianships. Affirmative guardianships and all other guardianship work is referred to the private bar or handled by APS.

## References

- <sup>1</sup> US Census Bureau (n.d.) American FactFinder. Downloaded March 2010 from <http://factfinder.census.gov/>.
- <sup>2</sup> US Census Bureau (n.d.) American FactFinder. Downloaded March 2010 from <http://factfinder.census.gov/>.
- <sup>3</sup> Department of Health and Human Services Administration on Aging (2009). *A Profile of Older Americans*.
- <sup>4</sup> Department of Health and Human Services Administration on Aging (2009). *A Profile of Older Americans*.
- <sup>5</sup> US Census Bureau (n.d.) American FactFinder. Downloaded March 2010 from <http://factfinder.census.gov/>.
- <sup>6</sup> US Census Bureau (n.d.) American FactFinder. Downloaded March 2010 from <http://factfinder.census.gov/>.
- <sup>7</sup> Murray, D. J. & Keller, P. A. (1991). Psychology and rural America: Current status and future directions. *American Psychologist*, 46(3), 220-231.
- <sup>8</sup> Margaret Chase Smith Policy Center (2006). *Poverty in Maine*. University of Maine, Orono.
- <sup>9</sup> Keating, N. (2008). *Rural Aging: A Good Place to Grow Old?* Bristol, UK: The Policy Press.
- <sup>10</sup> Margaret Chase Smith Policy Center (2006). *Poverty in Maine*. University of Maine, Orono.
- <sup>11</sup> AARP Public Policy Institute (2008). A First Look at Older Americans and the Mortgage Crisis. Downloaded March 2010 from [http://www.aarp.org/research/ppi/cons-prot/fin-svcs/articles/i9\\_mortgage.html](http://www.aarp.org/research/ppi/cons-prot/fin-svcs/articles/i9_mortgage.html).
- <sup>12</sup> US Census Bureau (n.d.) American FactFinder. Downloaded March 2010 from <http://factfinder.census.gov/>.
- <sup>13</sup> AARP Public Policy Institute (2008). A First Look at Older Americans and the Mortgage Crisis. Downloaded March 2010 from [http://www.aarp.org/research/ppi/cons-prot/fin-svcs/articles/i9\\_mortgage.html](http://www.aarp.org/research/ppi/cons-prot/fin-svcs/articles/i9_mortgage.html).

## Appendix A: Overview of LSE

LSE provides free legal help to seniors when their basic human needs are at stake. LSE offers several different levels of service in an attempt to provide the necessary level of services to the greatest possible number of people. The levels of service provided by LSE include the following:

- brief services, advice and counseling to clients throughout Maine provided via telephone by the LSE Helpline attorneys located in Augusta;
- extended representation provided by staff attorneys and paralegals in LSE's five area offices in Augusta, Bangor, Lewiston, Presque Isle, and Scarborough;
- help in understanding MaineCare and Medicare and other health insurance benefits and in appealing denials of prescription drugs under Medicare Part D; and
- client education and clinics conducted throughout the state.

Helpline. LSE's operates a statewide Helpline that provides every Maine senior regardless of where they live in the state with direct and free access to an attorney toll-free over the telephone. This overcomes three substantial service barriers for Maine seniors—distance, mobility limitations and poverty. This is vitally important in a rural state like Maine, where much of the population lives in poverty and in rural areas. LSE's Helpline is located in Augusta and accepts calls Monday through Friday during regular business hours. The Helpline provides legal assistance to callers with questions and concerns that can be effectively handled via telephone. All callers are provided with at least some form of assistance and over 95% speak with an intake person on the day they first call the Helpline.

The LSE Helpline also acts as a referral service for calls that are outside LSE's mission or areas of priority or where the caller actually requires social or other services rather than legal services. Referrals are made by the Helpline, when appropriate, to other legal services providers (in particular, for those under 60), panel attorneys, and other existing resources (e.g., the Attorney General's Consumer Division or Adult Protective Services) to take advantage of and ensure there is not duplication with other available resources. LSE maintains a panel of attorneys who have agreed to accept reduced fees when a client is between 125% and 200% of the federal poverty level. LSE's panel includes lawyers who practice in substantive areas that are in great demand by callers to the Helpline, but are not handled by LSE, including issues like probate, MaineCare planning, real estate, and estate planning.

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Area Offices. The other primary component of the LSE service delivery system is the Area Offices in Augusta, Bangor, Lewiston, Scarborough, and Presque Isle. The Area Office attorneys and paralegals provide client service for seniors with problems requiring in-person contact or the potential need for an appearance in an administrative or court proceeding. This includes issues like guardianship defense and revocation, evictions, appeals of MaineCare denials and discharges from facilities, foreclosure and elder abuse and financial exploitation cases. With the exception of the administrative office in Augusta, the Area Offices are located within the local Area Agency on Aging. This unique relationship between LSE and the Area Agencies is very important for Maine's elderly. Elderly Mainers are able to address many of their problems in one location – a type of one stop shopping – which removes what is often another barrier to needed services. This is particularly important for clients (and efficient for LSE) when underlying non-legal problems, if unresolved, would manifest themselves as recurring legal problems.

Help with Health Insurance Issues. LSE provides statewide assistance to Maine's elderly and disabled in obtaining access to needed health care services funded by Medicare and MaineCare. This includes the services of a Medicare Rights Advocate to assist with enrollment issues, the Senior Medicare Patrol program that provides education regarding potential fraud and abuse, and a Medicare Part D Appeals Unit that assists with denials of needed medications. LSE is also a participant in the State Health Insurance Counseling Program network provided through the Office of Elder Services.

Outreach and Education. In addition to direct client representation, LSE provides legal information to the public on a statewide basis through public presentations and its website. The LSE website includes extensive information on powers of attorney, financial exploitation, advance directives, MaineCare estate recovery, MaineCare eligibility for nursing home coverage, Medicare Part D, and many other topics. The website provides a valuable resource not just to Maine's seniors, but also to their family members and caregivers.

**Appendix B:  
Maine LSE Services 2008-2009**

	Frequency	Percent	National Ranking	Maine Ranking
<b>Health insurance</b>			<b>1</b>	<b>1</b>
L051 - MaineCare for Adult	303	6.1		
L052 - Medicare	<b>37</b>	<b>0.7</b>		
L053A - Medicare Part D - Dual/DEL/MSP	642	12.9		
L053B - Medicare Part D - Voluntary or Other	144	2.9		
L054 - Home & Community Based Care	41	0.8		
L055 - Private Health Insurance	25	0.5		
L056 - Long Term Health Care Facilities & Services	65	1.3		
L059 - Other Health	50	1.0		
L082 - Mental Health	3	0.1		
	<b>1310</b>	<b>26.3</b>		
<b>Personal finances and consumer issues</b>			<b>4</b>	<b>2</b>
L001 - Bankruptcy/Debtor Relief	127	2.6		
L002 - Collection (including Repossession/Deficiency/Garnishment)	581	11.7		
L004 - Collection Practices/Creditor Harassment	53	1.1		
L006 - Loans/Installment Purchase (Other than Collection)	22	0.4		
L009 - Other Consumer/Finance	279	5.6		
L024 - Taxes (Not EITC)	37	0.7		
L008 - Unfair & Deceptive Sales & Practices (Not Real Property)	18	0.4		
L003 - Contracts/Warranties	49	1.0		
L005 - Non-Mortgage Predatory Lending	1	0.0		
	<b>1167</b>	<b>23.5</b>		
<b>Housing</b>			<b>5</b>	<b>3</b>
L007 - Public Utilities	56	1.1		
L061 - Federally Subsidized Housing	158	3.2		
L062 - Homeownership/Real Property (Not Foreclosure)	241	4.8		
L063 - Private Landlord/Tenant	132	2.7		
L064 - Public Housing	32	0.6		
L065 - Mobile Homes	33	0.7		
L066 - Housing Discrimination	3	0.1		
L067 - Mortgage Foreclosures (Not Predatory Lending/Practices)	76	1.5		
L068 - Mortgage Predatory Lending/Practices	3	0.1		
L069 - Other Housing	30	0.6		
	<b>764</b>	<b>15.4</b>		
<b>Estate planning</b>			<b>3</b>	<b>4</b>
L101 - Wills/Estates	444	8.9		
<b>Power of Attorney and Healthcare Advance Directives</b>			<b>6</b>	<b>5</b>
L102 - Powers of Attorney and advance directives	408	8.2		

	Frequency	Percent	National Ranking	Maine Ranking
<b>Government benefits</b>			<b>2</b>	<b>6</b>
L072 - Social Security (Not SSDI)	65	1.3		
L073 - Food Stamps	19	0.4		
L074 - SSDI	17	0.3		
L075 - SSI	12	0.2		
L076 - Unemployment Compensation	3	0.1		
L077 - Veterans Benefits	8	0.2		
L078 - State & Local Income Maintenance	8	0.2		
L079 - Other Income Maintenance	49	1.0		
	<b>181</b>	<b>3.7</b>		
<b>Family matters</b>			<b>8</b>	<b>7</b>
L030 - Adoption	2	0.0		
L031 - Custody/Visitation	14	0.3		
L032 - Divorce/Separation/Annulment	54	1.1		
L034 - Name Change	1	0.0		
L035 - Parental Rights Termination	1	0.0		
L038 - Child Support	6	0.1		
L039 - Other Family	55	1.1		
	<b>133</b>	<b>2.6</b>		
<b>Abuse or neglect</b>			<b>7</b>	<b>8</b>
L087 - Elder Neglect & Abuse	21	0.4		
L037 - Domestic Violence	26	0.5		
L087 - Elder Financial Exploitation	65	1.3		
	<b>112</b>	<b>2.2</b>		
<b>Employment or pension issues</b>			<b>9</b>	<b>9</b>
L021 - Job Discrimination	1	0.0		
L025 - Employee Rights	8	0.2		
L029 - Other Employment	27	0.5		
L093 - License (Auto, Occupational, & Others)	11	0.2		
	<b>47</b>	<b>0.9</b>		
<b>Guardianship and power of attorney</b>			<b>10</b>	<b>10</b>
L103 - Adult Guardian/Conservatorship	20	0.4		
<b>Other</b>	<b>362</b>	<b>7.3</b>		
<b>Total</b>	<b>4970</b>	<b>100.0</b>		